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QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE:

OR,

THE ART OF SPEAKING IN PUBLIC,

IN EVERY CHARACTER AND CAPACITY.

TRANSLATED INTO ENGLISH, AFTER THE BEST LATIN

EDITIONS,

WITH NOTES, CRITICAL AND EXPLANATORY,

BY W. GUTHRIE, ESQ.

Quot Officia Oratoris, tot sunt Genera dicendi.

CICERO

IN TWO VOLUMES.

VOL. II.

LONDON:

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M. FABIVS QVINCTILIANVS

TO

TRYPHO THE BOOKSELLER,**HEALTH.**

You have daily importuned me in the most violent manner, to begin to publish my book, concerning the education of an orator, which I addressed to my friend Marcellus. For my own part, I did not think them as yet ripe for publication. You know that though I was engaged in a great deal of other business, I bestowed no more than two years in composing them; and that time was employed less in writing, than in consulting an infinite variety of authors, and in the almost endless toil of searching after materials for finishing the plan I had proposed. Add to this, I was for taking the advice which Horace lays down, in his art of poetry, by keeping this work nine years by me, lest I should publish it too precipitately. This was the reason why I delayed the publication: for I thought that the fondness of an author being by that time abated, when I came to review it, I could
examine

examine it with the eye of a critic. But if the demand for it is so great as you say, let us spread our sails to the winds, and wish each other a happy voyage, now that we are weighing anchor. But remember, that a great deal depends upon your care and exactness, in giving this work with all possible correctness to the public.

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK VII.

INTRODUCTION.

CONCERNING THE UTILITY OF A PROPER DISPOSITION.

I PRESUME, that I have said enough concerning invention; for I have not only laid down the principles upon which the judgment is formed, but those by which the passions are moved. But as it is not enough for one who undertakes a building to bring together his stones, his materials, and every thing that is proper for carrying it on, unless the whole is disposed of and conducted by the skill of an able architect; so, in the study of eloquence, it is not enough that a large mass of materials be piled and heaped up together, unless disposition shall reduce them into order, and connect them into strong, but graceful, uniformity.

Disposition, therefore, is very justly entitled to be the second of the five divisions I have laid down. A figure, though all its limbs are complete, is not a statue till it is properly placed; and though a man may have every member of his body complete, yet, if the situation of any one of them is otherwise than

nature designed it to be, he must be considered as a monster. A limb, if ever so slightly put out of its place, loses its vigour; and troops, when confused, fall foul of one another. Nay, I agree with those who think that the system of nature is maintained by order, and, were that order broken, the whole of it must rush into confusion.

In like manner, speaking, without an order being observed, is no other than a confused heap of words, floating, like a ship without a steersman, without any determined course. The speaker is guilty of many repetitions, and many omissions, and is no better than a traveller wandering in the night-time in a strange country. For, having marked out neither beginning, progress, nor end, he is guided by chance rather than design.*

The whole of this book, therefore, treats of disposition. And if any certain rules could be laid down to answer all occasions, by far the greatest number of writers would not have been ignorant of it. But, as the number of causes is infinite, and as there never were, nor ever will be, two causes resembling each other in all respects, the pleader is to pry, he is to watch, he is to invent, he is to judge, and he is to ask counsel from his own breast. At the same time, I do not deny that some part of this division admits of rules, and I shall not omit them.

* [Design.] There is somewhat pretty particular in this introduction; for, in the compass of a very few lines, we have no less than seven or eight comparisons, viz. to architecture, statuary, anatomy, mutilations, war, natural philosophy, sailing, and travelling.

CHAP. I.

CONCERNING DISPOSITION AND ITS MANNER.

As I have already intimated, division separates complex propositions into single ones; partition, single propositions into parts. Separate order is a certain right placing of propositions, connecting the following with the foregoing. Disposition is the proper distribution of things and parts into their right places. But still we are to remember, that disposition may be varied as the interest of a cause requires; and that, in the same cause, the defendant is not tied up to begin with the same point the prosecutor had begun with. Not to multiply examples, this method is justified by the practice of Demosthenes and Æschines. For the former, in the trial of Ctesiphon, begun his pleading with matters of law, where he thought his strong point lay; but Demosthenes, who spoke for the defendant, before he touched upon any point of law, said all, or almost all, he had to say, and thereby prepared the judges for the matter of law. And, indeed, it is but reasonable that both parties should begin with what points they please; otherwise, the defendant must be tied down to the pleasure of the prosecutor. In short, in recriminations, when each party becomes a defendant, before the one accuses the other, the order of the whole matters between them must necessarily be different.

I shall, therefore, lay before my reader the method of my practice, of which I never have made any mystery, and which is founded partly upon rules, partly upon experience. Now, my first care was, in all the trials I was concerned in, to make myself

thoroughly master of all the points that could come into the controversy. For, in schools, a few state points, which the Greeks call themes, and Cicero's propositions, were explained before the declamation. When I had made these pass, as it were, in review before me, I then set myself to study what could be said on one side of the question, as well as on the other, and that with equal application to both.

To effect this, my first business was (and indeed though it is no difficult, yet it is an important matter) to settle the point which each party wanted to establish, and the means by which they were to establish it. In this I observed the following method. I first considered what was advanced by the prosecutor. This was either admitted on both sides or controverted. If admitted, it could be no point of debate. I next bestowed the same pains upon the answer of the defendant: and, sometimes it happened, that it was admitted by the prosecutor. Now the question began at the very first point of the difference. For example: You have killed a man.—I have. Thus far the fact is admitted. I then pass to the defendant, who is to justify the fact. The law, says he, justifies a man in killing an adulterer with the adulteress. Admitted. Thus far both parties agree; and then comes the third point which is to be the matter of dispute between them. They were not adulterers.—They were. Here is the question, the fact comes to be disputed, and the cause is conjectural.

Sometimes even the third point is admitted on both sides, viz. that the parties killed were adulterers; But, replies the accuser, it was unlawful in you to kill them; you was a banished man, you was branded with infamy. Here the matter turns upon a point of law, sometimes the very first charge is denied. You killed the man.—I did not kill him.

Here the controversy is formed. In this manner are we to consider, where the controversy begins, and upon what the first question is founded.

Sometimes the charge is simple. Rabirius killed Saturninus. Sometimes it is complicated. Lucius Varenus has incurred the penalty of the statute against stabbing; for he ought to be condemned for killing Caius Varenus, for wounding Cneius, and likewise for killing Salarius. Thus the propositions are different; and the same observation holds with regard to several causes.

But several questions and states may be formed from a complex proposition. For instance, where a defendant denies one charge, defends another, and destroys a third because the action is not rightly laid. In such cases, the prosecutor ought to be very careful as to the points he is to answer, and the order in which he is to reply. As to the part of the prosecutor, I am much of the same sentiments with Celsus, who follows those of Cicero; but I think he makes too great a point of it, that some very strong argument should be placed in the front of the pleading, and something, if possible, still stronger in the rear; and that all our weakest arguments should take place in the middle; because the judge, in the beginning of a pleading, ought to be touched, and, at the close of it, convinced.

The defendant's advocate, however, ought to begin with the strongest charge against him, lest the judge, being wholly intent upon that, should pay the less regard to all his preceding defences. And yet, sometimes, this order ought not to be observed. For instance, when the slighter charges are evidently false; for, in that case, by destroying them, he destroys all the credit of his prosecutor, and thereby prepossesses the judge against the whole of the charge, when he comes to answer the strongest points.

points. It may, however, be proper, on such occasions, to preface the pleading with some reasons why the main charge is not immediately spoken to, and to promise to speak to it. For this manner removes all suspicion of our being afraid to encounter immediately the main charge.

It is generally proper to begin with clearing a defendant from the crimes imputed to him in any former part of his life, in order to reconcile the judge to the defence which he is to make upon the matter for which he is tried. But Cicero, directed not by the general practice, but by the circumstances of the case, in his pleading for Varenus, delayed this part to the last.

In single charges, we are to consider whether we are to answer by a single proposition, or by several. If by the former, it is, that we may rest our defence upon the fact, or upon the law. If upon the fact, we are to consider whether we are to deny or to justify it. If upon the law, we are then to resolve upon what branch of law we are to proceed, and whether we are to attach ourselves to its words, or its meaning. In this we are determined by examining the nature of the law upon which the prosecution is founded, and upon which judgment is to be pronounced. For, in schools, certain cases are laid down that connect several circumstances in one question. For example, "A father, after exposing his child, comes to know him again;" Whether, in that case, he has not a right to take him home, upon paying for his subsistence? Whether a father has not a right to disinherit an untowardly son? Whether a father has not a right, after taking home a son that has been exposed, to oblige him to marry the daughter of a rich kinsman, though the son wants to marry the daughter of the poor man who brought him up? Here the laws about exposed children are very

very proper for moving the passions, but the laws of disinheriting must determine the question. Meanwhile, a question is not always determined by one law, for one law may clash with another: and this matter must be carefully canvassed before the main question can be settled.

Several defences may be made against the same charge. Thus, in the case of Rabirius, if he had killed the deceased, he would have done right; but he did not kill him. Now, in matters where we have a great deal to offer* against a single proposition, a pleader is first to consider all that can be said upon the subject, and then the manner in which he is to arrange it. Upon this head, I am not for the method which I recommended a little above, and in probative arguments, when I said that we sometimes may begin with our strong proofs. For matters of evidence ought always to grow, by proceeding from the weakest to the strongest proofs, whether they are the same, or of different kinds.

Now, matters of law generally admit of contests upon different points; in matters of fact, one point only is to be established. But let us speak first of those that admit of different points. Of such, we ought always to begin with the weakest. For this reason, sometimes, after we have handled a few of them, we use to put them aside, or bid our opponent make his best of them; for we cannot proceed to others without passing some by: but we are to manage this so as not to seem to condemn them, but to set them aside, because we can carry our cause without them.

One gets a letter of attorney to receive the rents of another man's paternal estate. One consideration, that may be proper, is, whether the person,

* [Offer.] I have been a little explicit upon this head, because the original requires it.

who

even in deliberative matters, I have proceeded from the general proposition to the last specified question : for example, Numa deliberates whether he is to accept of the sovereignty offered him by the Romans. Here the general question is, whether he is to be a sovereign ? The first specified question is, whether in a foreign state ? The next is, whether at Rome ? And the last is, whether it is for the advantage of all parties for him to accept of the offer ?

In like manner, with regard to matters of controversy. A man, for his public services, demands his neighbour's wife. The last specific question is, whether he has a right to make such a demand ? The general question is, whether he ought to be gratified with whatever he demands ? And then, whether he can demand her, she belonging to a private person ? Whether he can demand her in marriage ? Whether he can demand her at all, as being clothed with a husband ? But a matter like this is not to be debated in the same order that it presents itself to us ; for the first thing that suggests itself to us, is the last thing that comes in the arrangement of the plea, Thou shalt not covet thy neighbour's wife. Therefore, when we are in a hurry, this arrangement escapes us. We are not to be contented with what immediately presents itself. Let us go a little farther ; let us examine whether he has a right to demand even a widow ; nay, any thing that is private property ; nay, which is the last (and yet the same with the first) consideration, any thing that is unjust.*

My practice was to mark the points in which my opponent and I were agreed, provided they were to my purpose. I then not only pressed him upon his

* I have, with Mr. Rollin, omitted translating a paragraph or two that follows in the original, because, in fact, the reading is not only very depraved, but the sense trifling and useless.

concessions,

concessions, but I multiplied them by parti
Thus in the following case, "A general, who,
competition for public honours, had got the bett
his father, was taken prisoner; ambassadors t
sent to redeem him, they met his father on his re
from the enemy, and he told them they came
late; they, however, searched the father, and in
lappet of his robe found a sum of money; then
ceeding in their intention, they found their ge
fastened to a cross, with just life enough to say
ware of the traitor." Upon this the father was
peached.

Let us now consider in what we are ag
Treason is come to light, and that too by mea
the general. We are now to search for the tre
You own you went to our enemies, that you
privately, that you returned safe from them,
you brought with you a sum of money, which m
was found concealed about your person. No
single fact sometimes strikes deeper, when
down in this manner; and when it happens to n
a strong impression upon the mind, we become
manner deaf to all the defence that is offered.
way of accumulating charges is most proper fo
impeacher, but I would recommend it to the def
ant to make head against them separately.

I likewise used, in disposing of the whole of
subject, to do the same thing I recommended u
the head of arguments. For I laid down all
could be urged against me, and then set aside e
thing, till nothing remained but the very m
which I wanted to establish. Thus, in a charg
prevarication,* we urge, "That every person,

* This passage is sufficient to fix the meaning of this
which in the English language is very indetermined. It is fi
fixed by our author, l. 9, c. 2. where he says, that a pl
sl

is accused, must be acquitted either by his own innocence, or by the interposition of power, violence, or money, or by the difficulty of finding evidence, or by the partiality of the judge. You acknowledge that this man had offended, you complain of no interposition of violence, none of power, none of money; there was no difficulty in the proof; to what then could his acquittal be owing, but to your betraying your charge?"

In pleading, when I could not carry every point, I carried as many as I could. A man is killed. Where? Not in a solitary place, which might make us suspect him to have been murdered by villains. He was not killed by robbers, for he was rifled of nothing; nor by his next heir, for he was worth nothing. Some one then must have borne him a grudge. But who that was is the question. Now this manner of examining all that can be said upon a head, and as it were rejecting every thing, but that which makes for our purpose, greatly facilitates the division of a pleading. Milo is accused for killing Clodius. He either killed him, or he did not kill him. To deny the fact would be most for our purpose, but that is not to be done; we are therefore to acknowledge it. We are next to inquire whether he did it lawfully or unlawfully. If lawfully, he must either have done it through design or necessity; for ignorance cannot be pleaded. Design is generally looked upon to be equivocal, and therefore a reason by way of defence is to be added, by urging that his design was thereby to serve his country.

should not prevaricate, or play booty with his cause. The Abbé Godeyn applies the prevarication here spoken of to a judge, but against our author's meaning. (See Cicero in his pleading against Cæcilius, in the Translation of the Orations, Vol. I. p. 170.) The learned have assigned several whimsical Etymologies to this word, which seem to be no other than *varus*, crooked, or winding.

Did

Did he kill him through necessity? Then the encounter on one side must have been accidental, and not premeditated. Consequently, one of them must have way-laid the other. Was Milo or Clodius the way-layer? Clodius, to be sure. Thus the chain of circumstances, as they naturally follow one another, guides the pleader to the strong point of his defence.

Farther, it was, or it was not Milo's intention to kill Clodius, when he found the latter had way-laid him. His safest defence is, that it was not. The slaves of Milo, therefore, acted without the orders, without the knowledge, without the presence of their master. Had Cicero rested here, some imputation of backwardness must have stuck to Milo, which would have hurt the credit of his defence, because he maintained it to be a right thing to kill Clodius. He therefore adds, as every one would wish his own servants to act, were he in the like circumstances. This manner is the more useful, because, very often, something must be said, and yet we can say nothing to our own liking. Let us, therefore, survey the whole, and thereby we shall say somewhat that either does the greatest service, or the least disservice, to our cause. Sometimes we may lay hold of our opponent's proposition, for I have already observed, the same propositions may be of equal service to both parties.

Whole volumes have, I know, been written by professors, in examining which party ought to begin first. This is determined by the dreadful inflexibility of formulas,* or by the manner of laying the process, or by lot. This question is of no conse-

* These were particular sets of words, which pleaders were obliged to repeat, and their failing in a single syllable lost them their cause. See Cicero's *Character of an Orator*, l. 1, where they are finely ridiculed. They afterwards were abolished by the Emperor Justinian.

quence

quence in schools, where both prosecutor and defendant are at liberty, in the same declamations, to lay a charge, to refute it, and to reply to that refutation. There are, however, many causes, where it is very difficult to find out which party has a right to speak first; as for instance, the following: A man has three sons, one an orator, another a philosopher, and the third a physician; and he leaves by his will a fourth part of his estate to each, with a direction that the remaining fourth should go to that son who was of most service to his country. The sons go to law, and though the proposition of the question is very clear, yet it is not clear who has a right to speak first. For each advocate will be for taking the preference for his client. Thus far I have thought fit to speak in general concerning division.

But how are we to find out questions that are more knotty and less common? My answer is, by the same means that we apply sentences, expressions, figures, and descriptions, by our genius, our application, and practice. Scarcely do they ever escape any man of the least attention, if he takes nature for his guide. But most people, smitten with an itch of reputation in eloquence at the bar, take up with the most showy, but least serviceable, qualities; while others, without taste or judgment, throw out whatever comes uppermost. To illustrate what I now say, I will give my reader a sketch of a school exercise, which is far from being either new or difficult. The law says, "that a son who does not appear with his father, when the latter is tried for treason, is to be disinherited. Every man condemned for treason is to be sent into banishment, with his advocate. A man who had two sons, one of them eloquent, and the other illiterate, was tried for treason, and the former attended him as his advocate,

cate, but the latter did not: being condemned, he was, with his advocate, sent into exile. The illiterate son, for his public services, obtained, by way of reward, the repeal of the sentence against his father and brother. The father, being thus returned, died intestate; the illiterate son claims part of his estate, but the eloquent son claims the whole."

Here those eloquent gentlemen, who pity us for the pains we take about causes that seldom or never happen, will instantly lay hold of the favourable characters; they will plead for the illiterate against the eloquent son; for the brave man, against the milk-sop; for the son who has restored the family, against him who never had served it; for him who offered to be contented with a part of his father's fortune, against him who would seize the whole of it. All these are material considerations, and greatly to the purpose, but they are far from being decisive. In such a pleading as this, the present practice is to ramble after rumbling, puzzling expressions, for in modern times, tumult and clamour at the bar take place of beauty and eloquence.

Others, who have more sober sense, but take up with whatever first presents itself, will see the following considerations floating, as it were, upon the surface of the cause; "That the illiterate son was excusable for not attending his father upon his trial, because he could have done him no service, if he had; nay, that the eloquent son himself had not a great deal to boast of, since his father was condemned; that the restorer of the family was more worthy of the inheritance, than a fellow who was covetous, ungrateful, and unnatural; one who refused to give any thing to his brother, who had so well deserved his share of the estate." They will likewise observe that the first point depends upon the words, and the

intention of the law, without settling which, every thing that can be said must go for nothing.

But the man who follows nature will immediately see, that the first plea the illiterate son has to offer, is, "My father, who died without a will, left two sons; and I, as one of them, claim, by the law of nations, part of his estate." Is there a man so void of sense and learning, as not to enter his plea in that manner, even supposing him to be ignorant what a proposition is? He will run out a little in commending the justice of that law of succession, which is established in all countries. Well, let us now consider what may be offered against a demand that appears to be so well founded. Nothing can be more clear than that the law says, "that the man who does not appear as an advocate for his father, when he is tried for treason, is to be disinherited: and you, the illiterate son, did not appear, when your father was in that situation." This is the proposition, and it necessarily introduces a flourish in praise of the law, and a reproach to the absenting son.

Hitherto the propositions of both parties are undeniable, when separately considered. Let us, therefore, return to the claimant. If he is not void of common sense, his first reflection will be, If this law stands in my way, there can be no process, and I can have no plea. Now that there is such a law, and that the illiterate son incurred the penalties of it, is past all doubt. What then is he to plead next? I am a plain man, says he, and I lived in the country. But the law makes no distinction of persons, therefore that plea can avail you nothing. Let us, therefore, try whether this law has not a weak side, where we may attack it. Nature (I cannot too often repeat it) ought still to be our guide, and nature directs us to have recourse to the intention of a law, when the letter of it is against us. A general consideration

sideration arises, whether, in this case, the letter or the intention of the law is to decide. But if we keep to general terms, we may be eternally disputing upon this point without ever coming to any determination; let us, therefore, find out in this case some speciality, that sets aside the letter of the law. Then you say, The son, who does not appear, is to be disinherited. Every son, without exception? Now, we can scarcely avoid urging the following arguments. "Supposing a son is an infant, or sick in bed, or abroad, or in the army, or upon an embassy; is he under such circumstances to be disinherited, if he does not appear? surely not." Here is a great point gained, if we can but establish the possibility of a son's succeeding to his father, though he did not attend him on his trial.

Now, let us shift the flute, as Cicero says, from one hand to the other, and consider what the man of eloquence has to urge. Admit, says he, that some exceptions may lie to the letter of the law, yet your case is not one of them; you was not in your infancy, you was not ill in bed, abroad, or in the army, or upon an embassy. The other still recurs to his first defence: I am, says he, a plain man. The orator naturally rejoins, It was not required of you to plead for your father, but to appear with him. This is fact. Well; then the plain man's next recourse is, to the meaning of the law: The law, says he, was meant to punish unnaturality in a son, but I am no unnatural son. You was unnatural, replies the other, when you incurred the penalties of this law, though, either through remorse or ambition, you demanded the repeal of our banishment. Besides, it was by you my father was condemned; your not appearing determined the judges against him.

To this the plain man may reply, You, sir, was the cause of my father's condemnation; you had dis-
obliged

obliged a great many people ; you had contracted many family quarrels. But these are allegations only ; as is another plea, which the plain man might urge, That the father was unwilling to expose all his family to his danger. Such are the contents of the first question, as arising from the letter and meaning of the law.

Let us stretch our inquiries farther, and let us examine whether, and in what manner, another method may not be found out. Here I am careful to imitate a real examination ; for I want to instruct how to search things out ; and, dropping all ornament of language, I suit myself to the instruction of my pupils. Hitherto we have drawn all our arguments from the person of the claimant ; but why are we not to examine concerning the father ? Says the law, Whoever does not appear as advocate for his father, let him be disinherited. Why are we not here to examine whether the law does not admit of exceptions ? This we often do in cases where sons are prosecuted for not supporting their fathers. For, we inquire whether the father has not given evidence against his sons in a court of justice ? Whether he had not sold his son to prostitution ? Now, what are we to inquire concerning the father in question here ? He was condemned. Does the law, then, relate only to fathers who are acquitted ? This, at first sight, is a knotty suggestion. However, let us do our best. The meaning of the law, probably, was to prevent parents from being deprived, if innocent, of the assistance of their children. But this makes against the illiterate son, for he admits that his father was innocent. The question furnishes another argument. He who is condemned for treason shall be sent, with his advocate, into banishment. Now, it is unreasonable to suppose that the law intended to inflict the same punishment, if the son did appear,

pear, as if he did not appear. Besides, exiles have no benefit of the law. Therefore, it is not probable that this law was meant to affect the son who did not appear for his father, if condemned. Now, in both cases, the illiterate son makes it doubtful, whether, being an exile, he could have possessed any property.

In opposition to this, the eloquent son will urge the letter of the law, which admits of no exception, because the very meaning of it was to punish sons who do not appear for their fathers, through fear of being sent into exile ; and he affirms that his brother did not appear for his innocent father. Here it is proper to observe, that two general questions may arise out of one state of a case. If the obligation lies upon every son ? And, If the right belongs to every father.

Hitherto we have only discussed the right of two persons ; for as to the third, the defendant, no question can arise, because there is no dispute about admitting him to his part of the estate. Let us, however, attend ; for all this might have been said, even though the father had remained in exile. Nor are we immediately to take up with our first obvious suggestion, that the father was restored by the illiterate son. If this point is carefully examined, we shall find it but an introduction to others ; for, as the species follows the kind, so the kind goes before the species.

Supposing, therefore, the father had been restored by any other person ; there then arises a disputable point, whether his being restored did not repeal the sentence, and had the effect of putting him in the same situation, as if no sentence had been pronounced against him. Here the claimant may allege, that, being entitled to make only one demand, he could not have obtained the recall of his father and brother at the same time, had not the father's recall implied that he was to be considered as a man who never had been

been tried, and that this circumstance remitted all the penalty of exile to the brother who had appeared; and the supposition of there having been no trial, supposes that the brother, who did appear, never did appear. Now, we come to our first suggestion, that the father was recalled by the illiterate son. Here again we may reason, whether by this recall, the son is not to be considered as an advocate, because he performed what the advocate only endeavoured to perform; and it is fair to give for an equivalent, what is more than an equivalent.

What remains is matter of equity, which plea is the most just. This too admits of a division. Supposing each claimed the whole; or, supposing the case to be as it is, that the one claims only his share, and the other the whole; when this matter is discussed, the memory of the father will be of great importance to the judges, especially in a cause that is to settle the succession to his estate. A conjectural question will here arise, What could the father's intention be in dying intestate? But this belongs to the quality or character of the action, which forms another state.

Now, most orators chuse to reserve the equity of their cause to the close of their pleading, because there is nothing the judges hear with more pleasure. The interest, however, of a client may require that method to be altered. For, if a plea is weak in point of law, the pleader, in order to prepare the judge, ought to begin with equity. I have nothing to add upon this head in general. I shall now proceed to the several parts of judicial causes; but, as I cannot minutely specify them through every case or question that may arise, I shall keep to generals, but so, as to handle the points that most commonly arise in each: and, as the first question naturally is, Whether a thing is so? I will begin with that.

CHAP. II.

CONCERNING CONJECTURE.

ALL conjecture relates either to a thing, or an intention: and both admit of three times, the past, the present, and the future. With regard to things, the questions are either general, or particular; the latter are contained in certain circumstances, and the former are not contained. As to the intention, there can be no question concerning it, unless where there is a party, and where the fact is admitted. With regard to things, therefore, we examine either what has been done, or what is doing, or what will be done. To give examples of these three in general questions: "Whether the world was formed by a fortuitous concourse of atoms? Whether it is governed by providence? Whether it will have an end?" Examples of particular questions are, "Whether Roscius murdered his father? Whether Manlius aspired to sovereignty? Whether Cæcilius had a right to impeach Verres?"

Trials turn upon the time that is past; for a man can be tried only for what he has done. As to what is doing, or may hereafter happen, we can form no judgment, but from past circumstances. We may likewise try to find the original of a thing. Of pestilence, for example, "Whether it arises from the anger of the Gods, the distemperature of the air, the corruption of waters, or the noxious exhalations of the earth?" We likewise may investigate the motive of an action; the motive, for instance, that induced fifty kings to sail to Troy. "Whether they were obliged by their oath, or impelled by example? Or, Whether they did it out of respect to the family of Atreus?" These two kinds are pretty much the same. With

With regard to the present time, if it does not require proofs from certain antecedent circumstances, but is to be adjudged by our eye-sight, there is no room for trial; because we are at a certainty. Thus, it would have been absurd in the Lacedæmonians to have debated, "Whether the Athenians were surrounding their city with a wall?" But there is a kind of conjecture, which does not seem to come under this head; I mean, when we are in doubt, as to the identity of a man's person. Thus, in the dispute amongst the heirs of Urbinia, a doubt arose, whether the person who, as her son, demanded her estate, was really Clusinius Figulus, or Sosipater. Now, there could be no question as to the existence of a person, because one was before their eyes; as we do not examine what exists beyond the ocean, or what its qualities are, but whether any thing exists at all. Meanwhile, this kind of trial depends upon what is past. For, in fact, the question is, Whether this man is the identical Clusinius Figulus, who was born of Urbinia? Even in my time (and I have been concerned in some of them) several causes of this kind have been tried.

Conjectures upon the intention, undoubtedly, may comprehend all the three times. "What was the intention of Ligarius when he went to Africa? With what intention does Pyrrhus solicit this peace? How will Cæsar proceed, if Ptolemy shall put Pompey to death?" By conjectural reasoning we likewise examine into quantities and qualities; by which I mean, the accidents of manner, appearance, and number: "Whether the sun is greater than the earth? Whether the moon is globular, or flat, or sharp? Whether there is but one world, or several?" We may say the same thing with regard to questions that do not depend upon physical reasoning: "Whether the Trojan or Peloponnesian war was the most considerable?"

considerable? What were the properties of the shield of Achilles? Was there but one Hercules?"

Now, in those causes which consist of an impeachment and a defence, the conjecture runs upon a fact, and the author of it. Sometimes both considerations are connected, and both denied. Sometimes they are separate: "Whether the fact did, or did not, happen?" And, if the fact is admitted, "Who was the author of it?" The fact itself sometimes gives rise to a single question: "Whether the man is dead?" sometimes to a double one: "Whether he died by poison, or a bad habit of body?" There is another kind which rests upon the fact only, and where, if that is ascertained, there can be no doubt as to the author. There is a third kind that relates to the author only, when the fact is admitted by both parties, and the dispute turns, who was the author of it. But, this last is not a simple conjecture; for the impeached does no more than barely deny the fact, or he throws it upon another. Now, we transfer facts in several forms. Sometimes it is done by way of recrimination, or by each party accusing the other. Sometimes it is thrown upon some person who is not tried for it, and who is sometimes pitched upon, and sometimes not. The person pitched upon is either one who is out of the question, or the deceased, who is alleged to have put himself to death. And here, as in cases of recrimination, follows a comparison of causes, persons, and things. Examples of which we see in Cicero's Pleading for Varenus, where he transfers a charge upon the slaves of Ancharis: and in his pleading for Scaurus, where he throws the imputation of the death of Bostaris upon his own mother.

There is a kind of comparison of a quite different nature from what I have now mentioned, in which both parties claim the glory of an action; and
another,

another, in which there is no jarring as to persons, but as to facts. I mean, where there is no dispute as to the party who committed the fact, but whether the fact is of this or of that quality. When both the fact and its author are admitted on all hands, the intention may next be examined. But I shall now proceed to particulars.

When the charge, both as to the fact and the author, is denied, it is done in this manner. I have not committed adultery. I have not aspired to sovereignty. In cases of bloodshed and poisoning, it is common to say, The thing did not happen : and if it did, it did not happen through me. But the probatory part lies upon the impeacher only, when the defendant calls for proof of the party being dead. All the business of the defendant, in such a case, is to throw out certain hints, and to scatter them as effectually as he can ; because, if he rests his charge upon that single defence, and does not make it good, he is in danger of being condemned. For, when the judges examine what is said on both sides, they presume one of them to be right ; and, by sheltering ourselves behind one decisive point, we give an adversary leave to press us, as much as he pleases, upon the others.

When a cause turns upon the ambiguous symptoms of indigestion and poison, there is no third defence, and therefore each party must maintain his allegation. Now, sometimes we reason from the thing itself : Was it poison or indigestion ? without any consideration of the person of either party. For, it may be of importance to know, whether the deceased before his death had been at a debauch, or was melancholy ; whether he had been toiling, or reposing ; watching, or sleeping. His age, likewise, is of importance ; and it is proper to know whether he died suddenly, or whether he wasted away through long indisposition.

indisposition. A larger field of disputation will open for both parties, if the question turns upon the suddenness of the death alone. Sometimes the proof of a fact may be sought from the person of a party: It is probable that the deceased died of poison, because the defendant was a person very likely to have given it. The reverse obtains in making the defence.

But, when both the person and the fact is in question, the natural order is, for the prosecutor first to establish the proof of the fact, and then to fix it upon the defendant. If the proofs against the person are various, this order may be altered. As to the defendant, the most eligible defence for him is, to deny the fact; and, if he succeeds in this, he has no occasion to say any thing farther. If he does not, he must have recourse to other arguments.

In cases, likewise, where the whole dispute turns upon the fact, and, when that is proved, there can be no question as to the author, proofs are drawn both from the person and from the thing; but all with regard to the single question of the fact. I shall here give a familiar example of what I am saying, as being best adapted to the use of the students. "A person, who had been disinherited by his father, followed the study of medicine; the father happened to fall sick, and was given over by all the physicians, excepting the son, who said he could cure him, if he would take a draught which he had prepared for him. The father took the draught from the son, drank part of it, and said he was poisoned; upon which, the son drank what remained. The father dying, the son was accused of parricide." There is here no dispute that the son administered the draught; therefore there can be no question as to the author; the only question is, Whether the draught was poisonous? and that must be decided by proofs arising from the person of the defendant.

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A third kind of conjectural causes is, when the fact is admitted, but the author uncertain. As cases of that sort happen every day, it is needless to give any particular instance. For we daily know that murder and sacrilege is committed, and the parties tried for them deny that they were guilty. This may give rise to recrimination; and two parties may charge one another upon a fact, the reality of which is admitted by both. Celsus (and I believe nobody disputes it) tells us, that causes in that shape cannot be tried in the Forum. One party must be tried upon one impeachment, and, if he impeaches another, there must be another trial. Apollodorus says, that this method of recrimination contains two matters of accusation; and, in fact, the practice of our courts allows of two pleas. Causes of this kind, however, may come under the cognizance of the senate, or the sovereign. But with regard to the common course of trials, it is of no importance whether sentence be given at once upon both charges, or upon each apart.

But in such cases, each party is always to begin with his own defence; first, because we naturally seek to ensure our own safety, before we attack that of another. In the next place, if we first clear our own innocence, we can urge our charge with the more weight. Lastly, the cause thereby becomes twofold. I did not kill him is the defence: You killed him is the charge. But if I first urge, You killed him, it is needless for me to show, that I did not kill him.

These causes consist wholly of comparisons, and various are the methods of comparing. For we either compare the whole of our cause, with that of our adversary; or we compare proof with proof, and presumption with presumption. But, which method is best, can be determined only by the nature of the cause.

Thus Cicero, in his defence of Varenus, thought it for his client's interest, to compare his proofs singly, while he was speaking to the first head of the impeachment. And, indeed, upon the whole, to compare proof with proof, is generally the best method, if it can be done. But if we find it not for our advantage to retail them in that manner, we are to do it in general. In recriminating cases, or where the party denies a charge, but without impeaching his antagonist (as in the case of Roscius, who turned the charge against him upon his accusers, though he did not prosecute them), or where the fact is alleged to be committed by the deceased's own hand ; all such cases, I say, are managed in the same manner as those of recrimination, by comparing together the arguments of both parties.

But the case I last mentioned is very often handled, not only in the schools, but even at the bar. For Nævius Apronianus was tried upon the single question, Whether he broke his wife's neck, or she broke it herself? This was the first pleading I ever published ; and, I own, I was prevailed upon to publish it from youthful vanity. As to the other pleadings, published under my name, they are all of them corrupted through the carelessness of those who took them down for the benefit of the copyists, so that there is in them very little that is mine.

There is another double conjecture, which is handled pretty much in the same manner, and relates to recompenses, as in the following case : " A tyrant suspecting himself to be poisoned by his physician, put him to the rack, and upon his denying the charge, called in another physician, who told him he had been poisoned, but that he could give him an antidote. Upon the tyrant's drinking the antidote, he died. Both physicians claim the reward for having killed the tyrant." Now, as in the former cases,

cases, each party endeavours to fix the charge upon the other ; so, in this case, each party endeavours to detract from the other, by comparing persons, causes, means, times, instruments, and evidences.

The other kind, though it is not recrimination, is handled in the same manner ; I mean, that in which no person is accused ; but all the question is, Which party committed the fact ? For each party has his own manner of setting forth the fact ; as in the case of Urbinius's heritage, the advocate for the claimant said, " That Clusinius Figula, the son of Urbinia, finding the army, where he served, defeated, fled from the field of battle ; and after various adventures, and being kept captive by a king, he found means to return to Italy and his native country, where he was known to be the person he pretended to be." Pollio, who was advocate for the other party, urged in his turn, " That this pretended Figulus had served two masters at Pisaurum, and had practised medicine ; that being set free, he had entered into another company of slaves, and had been bought in consequence of his own request, to serve with them." Does not the whole of this action consist in a comparison of the circumstances alleged by each party, and does it not contain two different conjectures ? Now, in such cases, whether criminal or civil, both parties proceed in the same manner.

Conjecture is determined by what is past, and certain persons, causes, and designs. For the order is, Whether a person meant to do a thing, could do it, or has done it ? Our first point, therefore, is to examine carefully the nature of the question. It is the business of an accuser to urge his charge in such a manner, as that it shall not only appear scandalous, but be suited, as much as is possible, to the crime that is tried. For if he should reproach a person accused of murder, with being lascivious and lewd, the imputation

tation will indeed hurt him, but the charge will not thereby obtain so much credit, as it would, were the accused person shown to be audacious, passionate, cruel, presumptuous, and rash. The business of an advocate for the defendant is, by all means, either to deny, to defend, or to soften reproaches. He is then to separate them from the fact that is to be tried. For such reproaches have generally no relation to the charge; nay, they actually sometimes destroy it. Thus, were we to reproach a thief with being a prodigal, careless fellow, there seems some inconsistency between the charge and the reproaches. Where we have no opportunity of showing this, the accused party may have recourse in saying, that those imputations have no relation to the affair in question; and that though a man may be wrong in one respect, yet he is not therefore to be presumed to be wrong in all; and that his accusers never would venture to have loaded him with so many false imputations, but from the hopes of prepossessing the court so strongly against him, that he must fall under the weight of slander.

Certain accusations give rise to personal, and sometimes to general, observations. It is improbable that a father should murder his son, or a wife her husband, or that a general should betray his country to his enemies. But, it may be said in reply, that some people are capable of all crimes, as daily experience proves by their being detected, and that it is absurd to defend a crime upon no other principle but its being over and above atrocious. Sometimes the argument is particular, and this is managed in different manners; for a party's dignity, while it is his guard against his being suspected of a charge, may sometimes be turned so as to help to fix the imputation upon him, by alleging, that, in it, he placed his hopes of impunity. The like different arguments

arguments may arise from defences founded upon poverty, meanness, and wealth; and each party avails himself of them according to his abilities. But the moral virtues, and integrity of conduct through life, have always great influence in a party's favour. If nothing particular is urged against the accused, his advocate ought to make the best he can of that circumstance.

With regard to the prosecutor, he will confine his pleading entirely to the proof of the fact or question that is tried; he will observe that all wickedness has a beginning, and that we know of no sanction that is allowed to the commission of a first crime. Thus much by way of reply; but in his first pleading he will manage matters so, that he will seem rather to be unwilling than unable to urge any thing that may bear too hard upon the accused. He will chuse to avoid all reflections upon his past life, rather than urge against him what is invidious, or frivolous, or palpably false; because such allegations destroy all the credit of the rest of his pleading. An orator, who avoids personalities, may seem to do it, because they are not very material to his cause; but heaping up trifling charges implies a justification of the party's former life, because he chuses, rather than be silent, to let his cause suffer. The other circumstances that are personal, have been explained in the chapter concerning arguments.

The next kind of proof arises from causes themselves, and consists chiefly of passion, hatred, fear, avarice, and hopes; for all others are but subdivisions of those. If any of them is applicable to the defendant, the prosecutor is to take care to manage so as to show how every particular operated in the case he speaks to; and he is to argue upon them so as to exaggerate every circumstance. If none of them are applicable, he is to allege that there may,
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be motives, though they do not appear; or that the motives are immaterial, when the fact can be proved; or he may even say, that the atrocity of the fact is exaggerated, by its having been wantonly committed, and without any motive. As to the advocate for the defendant, he will insist upon it, as long as he can, that it is absurd to imagine, that a man can be guilty of a crime, without any motive for it. Cicero does this very strenuously in many of his orations, especially in that for Varenus, who is loaded with all kinds of imputations: and so was condemned.

But, should the accuser assign a motive for the commission of the fact, the defendant is to allege, that that motive is either false or frivolous, or such as must have been unknown to him. Now some motives, though alleged, may be such as the defendant must be a stranger to; for instance, That the deceased was about to make him his heir, or that the deceased was about to impeach him. Should all other defences fail, he may say, That motives, even though proved, ought seldom to have much weight with a court: that no man alive is entirely void of fear, hatred, or hopes; and yet those passions do not make villains of them. He may observe farther, That every motive is not prevalent with every person. Poverty, for instance, may be a motive for one man's committing a theft, but it makes no impression upon a Curius or a Fabritius.

There is some doubt whether a pleading ought to begin with the cause, or the person. And the practice of orators have been different in this respect. for Cicero generally begins with the cause. For my own part, if there is no peculiarity in the question to determine it otherwise, I think it most natural to begin with the person. For the following is the most general and proper division of a pleading. " This charge can be scarcely believed of any man, far less
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of the defendant." But in this, as in most other cases, we must be determined by the utility of the cause.

We are sometimes to look for accidental and erroneous, as well as wilful, motives, for the commission of a fact, such as drunkenness and ignorance. For though these two motives soften a charge when the quality alone of it is regarded, so they aggravate it in the conjectural part. Besides, I know not if it ever happened in a trial before a court of justice, that neither party spoke of the person. Whereas, it often happens, that neither party mentions the motives; as in cases of adultery and theft, which carry their motives upon the face of the charge.

A pleader is next to examine the purpose, for which a fact is committed; and this opens a large field. For example: "Whether it is most probable that the defendant was in hopes that he would be able to effect the villainy, or to be concealed after he had effected it? Whether he did not expect, even though he was tried for it, to be acquitted, or to be censured with a very slight punishment, or to put it off to a long day?" Or, "Whether he was not to reap more benefit by the commission, than the omission, of the act?" Or, "Whether he was so determined upon it, that he resolved to run all hazards?" He will next examine, "Whether the fact could have been committed at another time, or in another manner, more easily, or more securely?" as Cicero does in his pleading for Milo, when he enumerates the many occasions in which he might have killed Clodius with impunity. He will likewise inquire "Why he chose to do it in that place, at that time, and in that manner?" All which, too, is handled by Cicero with great accuracy, in the same pleading. It is likewise to be considered, "Whether, induced by no reason, he was not impelled by a fit of passion, when reflection had left him? For, as
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the proverb says, guilt blinds the reason. Whether he was not enticed to it by the habits of villainy?"

Having discussed the first point, with regard to the defendant's intention, we are next to examine the means or power he had to commit the act. Here, the proofs arise from time and place, "Whether the place where the theft was committed was close or open? Whether it was solitary or frequented? At what time it was committed, in the day-time, where many might have seen it; or in the night-time, which makes the proof the more difficult?" Now, was one to examine all difficulties and opportunities, they are so infinite, that they require no examples. But this second point is of such a nature, that if the impeacher does not make it good, the prosecution must drop. But if the power is proved, the next consideration is, "Whether he carried it into actual execution? But these proofs likewise relate to the conjectural intention, by which we gather, whether the party designed to commit the fact. Therefore we ought to examine the means, as Cicero does when he examines the equipages of Clodius and of Milo.

The question, Whether the party did commit the fact? relates to the then present time, and the time immediately succeeding it, when the sound, the shrieks, the groans, the skulking, and the like, happened. To these we are to add the indications, or signs, of which we have already treated; with the words and actions, that immediately preceded or followed, and which must have proceeded either from ourselves or from others. But words, either more or less, hurt our cause. Our own words hurt it more, and serve it less, than those of others do; the words of others do it more service, and hurt it less than our own. As to actions, our own are sometimes more serviceable to us, and sometimes

those of others are : for instance, when the opposite party does any thing that makes for us. But our own actions always hurt us more than other mens' can.

Expressions are either plain or doubtful. Doubtful expressions, whether they come from ourselves or from others, are of the least service to either party: but generally our own hurt us most. Thus, "When a son was asked where his father was, he answered, Wherever he is, he is alive. But soon after, he was found dead in a well." Doubtful expressions, coming from other people, never hurt us, unless the author of them is either unknown or dead. "A voice* was heard in the night-time," Beware of the tyrannicide. "And the question being put to the prisoner, who was meant by that expression, he answered, that is nothing to you." For if the person who speaks the words is alive, and can be examined upon them, he can explain them. Now, with regard to our own doubtful expressions and actions, we can defend them only by explaining their meaning; but there are various methods to attack those of others.

Hitherto, I have spoken only of one kind of conjectural causes; but somewhat or other that I have said upon them, is applicable to all the other kinds. For in all trials upon deposits, thefts, debts, and the

* [Orig.] Nocte audita est vox, cavete tyrannicidam & interrogatus, cujus veneno moreretur, respondit. Non expedit tibi scire. The words of this example are as obscure as the meaning of it, which I can scarcely think was the author's intention. The obvious sense is, "That a tyrant being poisoned, called out in the night-time to his attendants, Beware of the poisoner. They asking him who the poisoner was, he answered, that is nothing to you." The Abbe Gedoyne seems to have understood it in this manner. But upon nearer inspection, I think the words, cujus veneno moreretur, must be understood to have an antecedent, ille or vir; and consequently are not to be understood interrogatively, and I have translated it in that sense. There may be a false reading in the word moreretur.

like, the proofs must arise from the means and the person; "Whether such a thing was actually deposited; or whether it is probable that such a person trusted or lent it to such another person? Whether the plaintiff is not a troublesome sort of a person, and whether the defendant is not a sharper and a rogue." Nay, in trials of theft, the question turns (as in those of bloodshed) upon the fact and its author. In trials upon loans and deposits, two questions arise, which are seldom or never joined, whether the subject was actually entrusted? And whether it was not returned?

Trials of adultery are peculiarly circumstanced, because two people are generally tried, and the pleading must turn upon their lives and characters, though a doubt may arise, whether both are to be defended at the same time. But this can be determined only by the nature of the cause. For, if the one party's character or conduct can be serviceable to that of the other, I am for joining them together; if not, I am for separating them. It is not without reason I have said, that two people are generally tried, for that does not always happen; for the woman alone may be tried for adultery with an unknown person. Presents are found in her possession, and money, of which she can give no account, and love-letters with no address. The same thing may happen in matters of forgery; for either one, or more, must be charged with it. Now, the writer of an instrument ought always to answer for the subscription, but the subscriber cannot always answer for the writing, because he possibly may be imposed upon; but the person who produces the instrument, and in whose favour it was drawn up and signed, is obliged to justify both the writing and the subscription. The same methods of proof take place in all causes of treason, and an undue ambition after sovereignty.

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But the practice of declaimers may hurt us in real pleadings, because they injudiciously presume every circumstance, that is not in their theme, to be in their favour. You accuse me of adultery. What evidence, what presumption, have you? What did I pay? Who was the pimp? --- You accuse me of poisoning. Where did I buy the poison? From whom? At what time? At what price? By whom did I administer it? --- I am accused of aspiring to sovereignty. Where are the arms, where are the guards, I have prepared? Yet I am far from denying, that these considerations, properly urged, may be of great service to a cause, for I have myself called for such proofs at the bar, when I have found my opponent puzzled to make them good. The judicious use of them is every thing; for there scarce can be a cause in which we may not avail ourselves of some adventitious circumstance; in like manner as at the close of a pleading, I have known the friends of the defendant equip him with children, a father, nurses, and all the other implements for moving compassion.*

As to intention, I have said enough upon it, when I laid down the division of the will, the power, and the execution. For the intention is discovered by the will, and both are tried in the same manner, that is, whether the party willed, or intended, to do a wicked action. There is, likewise, in things, a certain natural order, which gives either credit, or discredit, to the intention, by the fitness, or repugnancy, of circumstances. But all this depends upon the texture of the cause. It is, however, proper, in every cause, to inquire into the connections and fitness of circumstances.

* No part of this paragraph has been taken notice of, or been translated by the Abbe Gedoyn. The original seems indeed to be very depraved. But in this, as in many other places, the author's meaning may be found out though the reading cannot be justified.

CHAP. III.

CONCERNING THE DEFINITION, OR QUALITY, OF A THING.

DEFINITION follows conjecture; for, where a man cannot absolutely deny every circumstance, the next thing he has to do is, to say that what he did does not amount to what is charged against him. Definition, therefore, is conducted by the same rules as conjecture; only the nature of the defence is changed. Thus, in trials of thefts, deposits, and adultery, the defendant, in the conjectural state of the question, says, "I did not commit adultery: I did not receive the deposit: I am not guilty of adultery." So, when he depends upon conjecture, he says, "My action was not theft: what I received was not a deposit: what I did is not adultery." Sometimes we proceed from the quality to the definition, as in trials of lunacy, mal-treatment of a wife, or treason. In such trials, where the actions of a party are not to be justified, our next recourse is, to say that such an action does not amount to lunacy, to mal-treatment, or to treason.

A definition, therefore, consists in expressing the nature of a thing in question, with propriety, perspicuity, and conciseness. As I have already observed, it contains a kind, a species, differences, and properties. Thus, if we were to define a horse (for I chuse a familiar example), an animal is the kind, mortal is the species; but a man is mortal, therefore irrational is the difference, and neighing is the property. Definition takes place in most causes. For sometimes we are agreed upon the term, but differ as to the subject. Sometimes the subject is clear, but the term is contested.

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When the doubt turns upon the subject, we sometimes proceed by way of conjecture; as when we inquire, What is God? Now, they who deny that God is a spirit, diffused through all parts of the universe, do not say, that the term God is an improper appellation of the Divine Being; for Epicurus gives God a human form, and places him in a space between the worlds: both of them use the same term, though their sentiments are very different; but the conjecture turns upon the subject.

Sometimes we examine the quality, as when we examine whether rhetoric is the power of persuading, or the knowledge of speaking well. This kind often occurs in trials. For we have occasion sometimes to examine, "Whether a man caught in a brothel with another man's wife is an adulterer." For here can be no doubt of the term, but whether the quality of the fact amounts to that degree of guilt, for if it does, we must find him to be an adulterer.

There is a different kind of definition, when the controverted point consists in a term, the meaning of which depends upon a law, and which could not come to be tried was it not for the terms that give rise to the controversy. For example, "Whether the person who kills himself is a homicide? Whether he who forces a tyrant to destroy himself is a tyrannicide? Whether the incantations of magicians are poisons?" All the acts here are plain. For every body knows, it is not the same thing for a man to kill himself, as to kill another; to kill a tyrant, and to force him to destroy himself; to pronounce incantations, and to administer a deadly draught: and yet, the doubt is, whether they do not come under the same denomination.

Cicero, after many authorities, says, that a definition turns upon a thing that is alleged to be so, and
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at the same time alleged not to be so. For when a man denies that a definition is just, he ought to establish what is just. But, with due deference to his great authority, I think there are three sorts of definition. For example, we may define it to be adultery for a man to keep company with another man's wife in a brothel. But if this is denied, there is no occasion for the person who denies it to define what it is, because the whole charge is denied. Sometimes we may inquire whether an action is theft or sacrilege. Here, it is not sufficient to deny it to be sacrilege, for if it is not sacrilege, we must define it to be theft. And therefore we must define both charges. Sometimes the question turns upon things that have quite different appearances, whether they fall under the same term, though each has a term appropriated to itself. For example, a love-potion, and poison.

Now, in all disputes of this kind, we inquire whether a thing falls under a denomination, the meaning of which is fixed in other matters. There is no doubt, that the stealing consecrated effects out of a temple is sacrilege; but there may be a great doubt, whether stealing private property out of a temple, can be called sacrilege likewise. The lying with another man's wife is undoubtedly adultery, but is it adultery to be found in her company in a brothel? It is certainly tyrannicide to kill a tyrant: but is it tyrannicide, to force a tyrant to kill himself? A syllogism, therefore, which I shall treat of afterwards, is no other than a definition, but of a weaker kind. In the definition we examine, whether two actions ought to fall under the same denomination? And, in the syllogism, whether we ought to reason upon them, as being of the same nature?

The diversity of definitions for the same thing, hath made some question, whether the same thing

can be defined in quite different terms. Thus rhetoric is defined to be "The knowledge of speaking well." By others, it is defined to consist "In happy invention and proper expression." And by others, "The calling up all the powers of speech, and commanding them so as to serve our purpose." We must examine, at the same time, whether though the sense is in the main the same, they are not too far different in the expression. But disputes of this kind may be proper for the schools, though they are not for the bar.

There is no way of defining some things, but in terms more obscure, than the term that is defined. Other things are so clear in their sense, that they require no definition as to the term. This variety has occasioned a great deal of logical jargon, which is very unprofitable to the business of an orator. For though, in ordinary discourse, he may make use of his abilities to pin an opponent down, so as to force him either to be quite silent, or to make concessions that hurt him, yet he cannot practise this manner at the bar. His business there is to convince the judge, for though he may be hampered by the terms, and the reasonings of the orator, yet still he must be dissatisfied within himself, if the thing is not made clear to his apprehension.

But what has the practice at the bar to do with all this precision of speaking? Says an orator, "Though I do not define man to be a mortal, reasonable animal, yet may I not, by expatiating upon the various properties of his soul and body, distinguish him sufficiently both from gods and brutes?" Farther, are we ignorant, that with Cicero we may define a thing in several manners, each of which is free and agreeable? Nay, that this has been the universal practice of orators? Seldom are they, like philosophers, confined to the slavery (for slavery it certainly

certainly is) of treading the same dull round in reasoning, and of using the same identical expressions in speaking: this is what Marcus Antonius, in Cicero's Treatise concerning the character of an orator, cautions us against. *

Now, as it is dangerous to hazard our whole cause by the slip of a single word, I recommend that middle way, which Cicero makes use of in his pleading for Cæcinnæ, where he establishes the meaning of the thing, with all the freedom of expression. "For, gentlemen," says he, "violence does not consist entirely in what masters the person, and puts an end to life: no; the greatest violence is that which, by affecting us with the fear of death, fills the soul with such dread, that she is driven from all her functions, and loses all her properties." The definition likewise may be secure, by premising a proof. Thus Cicero, in his Philippics, after establishing the proof of Servius Sulpitius being killed by Antony, finishes the period in this manner; "For, give me leave to say, that he who is the occasion of a man's murder, is his murderer." I am sensible at the same time, that this rule must be practised according to the nature of the cause, and that when a definition is unexceptionable, it appears with greater effect, as well as with greater elegance, when it is couched in expressions short and striking.

The order of defining is, What is the thing? and, Is this the thing? And here it requires more pains to establish, than to apply, your definition. Now, as to the first point, What is the thing? Sacrilege, for example; we have two points to observe; for we are to establish our own definition, and to destroy that of our opponent. In schools, therefore, where we dispute ourselves, we ought to lay down the definitions on both sides as properly as is possible. But

* See de Oratore, l. 2. c. 25:

at the bar we are to examine, whether any part of a definition is superfluous, or impertinent, or immaterial, or equivocal, or inconsistent, or in common to other subjects; all which are faults that can be imputed only to the pleader.

Now, to enable us to define rightly, we are first to settle in our own minds, the point we want to establish, and then we can be at no loss for expressions that suit our meaning. To explain this, let me return to the well-known example I have already given. The man who has stolen private property out of a temple, is accused of sacrilege. That there is a criminality in this charge, is admitted on both sides. But the question is, whether it amounts to that crime which the law calls sacrilege? The impleacher says it does, because the money was stolen out of the temple. The defendant, because the money was private property, denies his crime to be sacrilege, but acknowledges it to be theft. The prosecutor's definition therefore will be, It is sacrilege to steal any thing out of a sacred place. The definition of the defendant will be, It is sacrilege to steal any thing that is sacred. Here, each will attack the definition of the other, either because it is false, or because it is defective. As to a definition being wholly impertinent and immaterial, such definitions can only come from fools.

If you say that a horse is a rational animal, the definition is false; for though he is an animal, yet he is an irrational one. Where a definition agrees with other subjects, it wants propriety. In the last example, the defendant alleges that the prosecutor's definition is false; but the prosecutor cannot say the same thing of the defendant's definition; because to steal any thing that is sacred, is undoubtedly sacrilege. But, says the prosecutor, his definition is imperfect, for he ought to have added, Or from a sacred place.

But

But the best way for establishing or destroying a definition, is by having recourse to properties and differences, and sometimes to etymology. But all this, as well as all other reasonings, is confirmed by reflections upon natural equity, and sometimes by sagacity of discernment. We seldom have recourse to etymology; yet it may happen that the definition of a thing may be expressed by its name. But differences and properties admit of very refined distinctions: thus, when we examine, "Whether a person, whom the law obliges to serve his creditors till he pays his debt, is a slave." Here one party defines a slave to be a person whom the law subjects to servitude. Another says, that a slave is a person who is in the condition of a slave, or, as the ancients expressed it, who serves as a slave. Now, though this is a plausible definition, yet it is a very foolish one, unless it is supported by properties and differences. Says your opponent, the person in question serves as a slave, or is in the condition of a slave. This definition, being laid down, it is then incumbent upon you to examine into the properties and differences of freedom and slavery, which I but just transiently touched upon in the fifth book. A slave, when manumitted, is a freeman. The debtor, when he recovers his liberty, is a freeman. A slave cannot, but by his master's consent obtain his liberty. The other, the moment he discharges his debt, is free, whether his master consents or not. The slave is entitled to no benefit of law; but the debtor is. A freeman, and he only, has a first name, a name, a surname, and a tribe to which he belongs. The debtor has all these. Having thus examined what a slave, and what a freeman is, it brings us near to the question concerning the propriety of the definition, which it is our business to fit as much as we can to our purpose.

Quality

Quality prevails chiefly in definitions; for instance, "Whether a person is possessed by love, or by madness?" Proofs come under this head, which, Cicero says, are the properties of a definition from antecedent consequences, adjuncts, contrarieties, causes, effects, and the like. But I have already considered the nature of such arguments. Cicero, in his pleading for Cæcinnæ, very concisely comprehends proofs drawn from the rise, the cause, the effect, the antecedent, and the consequence. "Why then did they fly? Because they were afraid? Of what were they afraid? Of violence, undoubtedly; can you then deny the principle, when you admit of the consequence?" He likewise applies similars. "That which in a state of war must be admitted to be violence, shall it lose that name during peace?" Proofs are likewise drawn from contrarieties. "Whether or not is a love-potion poison, since poison is not a love-potion?"

I used to explain the other manner of defining, I mean the imperfect one, to my young gentlemen (for youth shall be always dear to me), by the following imaginary circumstance: "Some young men designing to be merry, resolved to regale themselves by the sea-side, and missing one of their companions at the entertainment, they erected a tomb for him upon the spot, and inscribed it with his name: the young gentleman's father, who happened to be then abroad, landed at this very spot, and, upon reading the name, immediately hanged himself." The young gentlemen are impeached for occasioning his death. Says the prosecutor, by way of definition, "Every man who does an action by which another dies, is the cause of that man's death." Says the defendant, "He who does an action, which he knows must of necessity kill another man, is the cause of that man's death."

death." Now, setting aside the definition, it is sufficient for the prosecutor to say, "Ye have been the cause of my friend's death: it was through you he was destroyed; because, had you not built that monument, he had been still alive." To this it may be replied, Surely a man is not immediately to be condemned for doing a thing, through which another man dies. Else what should become of prosecutors, witnesses, and judges, in trials upon life and death? A man may innocently be the cause of another's death. Should one man, for instance, persuade another to pay a visit to his friend beyond seas, and he is drowned in his passage: another man invites his friend to sup with him, and by over-eating himself, he dies of a surfeit: the old man's death was not solely occasioned by what the young gentlemen did, but his own credulity, and his inability to support his affliction. Had he possessed a larger stock of resolution or prudence, he had been alive. In short, the young gentlemen could have no ill intention in what they did; and could the old man have allowed himself ever so little time for reflection, he would have seen by the place, and the manner of the fabric, that what he mistook for a monument was none. How then are these young gentlemen to be punished upon a charge that turns wholly upon homicide, which it is not alleged they either intended or actually committed?

Sometimes, there is a stated definition in which both parties agree. "Majesty," says Cicero, "resides in the government and in the whole dignity of the Roman people. A question may arise, however, whether this majesty be not wounded, as happened in the case of Cornificius. But even that, and other cases like it, depends greatly upon defining rightly. Now, if the definition is agreed upon,

upon, the cause must turn upon the quality of the action that is tried. Which happens to be the next point I am to treat of.

CHAP. IV.

CONCERNING THE QUALITY OF AN ACTION.

QUALITY is the most comprehensive kind of reasoning that can enter into a cause ; and it is variously distinguished. For we may reason upon the quality of the nature, and upon the quality of the form of a being. For instance, " Whether the soul is immortal? Whether God has a human form?" It likewise comprehends magnitude and number, " How large is the sun? Are there worlds besides this?" All these questions, it is true, are managed by conjecture, and yet all of them contain a question concerning quality.

Sometimes deliberative cases require to be handled in the same manner. Were Cæsar, for instance, to deliberate about attacking Britain, he would inquire into the nature of the navigation; " Whether Britain is an island?*" (a circumstance that till now was

* There seems here to be somewhat of a compliment to Domitian, and his great general, Agricola, if the Cæsar spoken of is the former. Nothing can be more certain than that Julius Cæsar mentions Britain as an island; and it is more than probable, that the Romans, in the time of Claudius Cæsar, were in possession of the Orcades, now the islands of Orkney and Schetland. However this may be, Tacitus undoubtedly, though a professed historian, fell into the same mistake, when he tells us, that Agricola was the first who sailed round the island, and discovered the Orcades. See his Life of Agricola, c. 10. Commentators, however, have inferred from this expression, that our author must have composed

was unknown). How much land it contains? What number of soldiers will be required to subdue it?" What we ought to do, and what we are not to do, come likewise under the head of quality; as does whatever we ought to court or to avoid. It is true, those matters are chiefly deliberative, but sometimes they come to be agitated at the bar likewise; with this difference, that we deliberate upon what may happen, but we plead upon what has happened. Under this head falls likewise all the demonstrative part of pleading, as when the fact is acknowledged, we speak to its quality.

Now all controversies at the bar relate either to property or to punishment, or to their proportions. The first constitutes a cause that is either simple or comparative. In the former, we only examine into what is equitable: in the latter, into what is more equitable, or most equitable. When the controversy turns upon punishing, the accused party must either defend the charge or diminish it, or excuse it, or, according to some, have recourse to deprecation. The strongest defence by far is (supposing the fact to be acknowledged), to maintain that what we did was brave and virtuous in itself. "A father, for instance, disinherits his son, because, against his inclination he had served his country, or stood for public employment, or had married." The father persists in what he had done. Here the only question is concerning the thing, whether what the father has done is just or not? Now justice is of two kinds, natural and positive. Natural justice com-

posed this treatise eighty-six years after the birth of our Saviour, which falls in with the time that Agricola's navigation was performed. But, after the most accurate calculation, I cannot place it so late by upwards of a year. The learned Dodwell, in his *Annales Quintilianæ*, is greatly puzzled about this affair; but I agree with him in fixing the time of the discovery hinted at here, to the eighth year of Agricola's government in Britain.

prehends

prehends piety, honesty, abstinence, and the like. Positive justice rests upon the laws of the land, upon use and custom, upon legal decisions and compact. This defence we call an absolute defence, because it is independent of all considerations but justice.

There is another defence which we call assumptive, because we proceed upon it by assuming circumstances, foreign to the cause, in order to justify an action, that of itself is indefensible. Here our strongest plea is to justify the motive upon which such an action is committed. Of this kind is the justification of Orestes, and of Milo; and both of them partake of recrimination, because they proceed upon accusing the party, for whose death the impeachment is brought. "Such a man was killed. Yes; but he was a robber. Such a man was castrated. He deserved it, for he was a ravisher."

But there is an assumptive defence of a different kind, in which we neither, as in the absolute defence, defend the fact upon its own bottom, nor do we defend it by recrimination, but by its having been of service either to our country, or to multitudes, or to the prosecutor himself; nay, sometimes to ourselves; if it is of such a nature, as that we are allowed to do it for our private interest. But this last defence must be confined only to family differences that may be brought into a court of law;* for it is very improper to urge it, when we have no connections with the prosecutor, and when we must stand or fall by the rigour of the law.

For in declamatory cases, where a father abandons his son; where a woman sues her husband for mal-treatment; where a son wants to prove a father insane; the several parties may very becomingly

* This, I think, must be the meaning of my author, though the Abbé Gedoy seems to have understood him in another sense.

urge their private interest as a justifiable motive for what they do. I am, however, to observe, that the plea of preventing loss is much better than that of pursuing profit.

Such matters are often brought to the bar. In the schools, the son is abandoned. At the bar, he is actually disinherited by his father, and comes before the consuls to reclaim his family estate. The woman, who in the schools is mal-treated, is actually divorced at the bar, where the justice or injustice of the divorce is tried; and the son, who alleges in the school, that his father is insane, pleads at the bar that he may be put under the care of committees.*

Next to arguments of utility, it is of great service to a defence, when the defendant can shew that, had he not acted in the manner he did, something worse must have happened. Thus, when Mancinus was upon his defence for making the Numantine league, he might very properly have urged that, had he not made it, the whole Roman army must have perished. This I call the comparative manner, and finishes what I have to say upon the head of justifying an action.

But if it can be justified neither in the absolute nor assumptive manner, that is, neither in itself, nor by circumstances, our next recourse is to transfer the charge to another party. Now, the methods that I have already mentioned are applicable to this of transferring a charge. Sometimes the fault is thrown upon a person; thus, Gracchus, when impeached for the Numantine league, which gave rise, afterwards, to many laws in prejudice of the nobility, justified himself with saying, that what he

* [Committees.] Though this word may seem to have too modern an air, yet it answers exactly to the original *petendi curatores*.

did was by command of his general. Sometimes the charge is transferred to a thing; thus, when a man is charged with not fulfilling the last will of another person, he is at liberty to say, that the laws were against it.

Should this method of defence likewise fail us, we have still recourse to excusing the fact. This we may do by pleading ignorance, or necessity. Thus, a man picks up one, who can give no good account of himself, and brands him in the forehead as a runaway slave. But it afterwards appearing that he was free born, the person so doing may plead, "That he did not know him to have been so." When a soldier is not present at a muster, he may plead, "That he was detained by floods, or by sickness." Sometimes too, we throw the blame upon fortune; sometimes we confess the thing to be wrong, but plead that our intention was good; but examples of such defences are endless, and therefore unnecessary.

The next means of defence is by diminishing the charge. And this some call, the state of proportion. But as it is applicable only to penalties or rewards, it is determined by the quality of the fact, and therefore comes under the head of quality, as do several other states or kinds of pleading mentioned by the Greeks.

The last kind is deprecation, which, some think, never ought to be reckoned a part of judiciary pleading. Nay, Cicero seems to give some sanction to that opinion, when, in his pleading for Ligarius, he says, "Cæsar, I have pleaded many causes, even with you, while your progress in honours led you to the practice of the forum; but never sure in this manner: pardon him, my good lords; he has done amiss; he has slipped; he did not think: if he shall ever do so any more." This is the way of pleading, indeed, when one speaks to a father; but to the

judges, "He did not do, he did not intend to do it; the evidence is false; the crime is forged." In pleadings, however, before the senate, the people, or the sovereign, or before any judge that has power to soften the rigor of the law, deprecation may be very proper, especially if the impeached party can plead that the foregoing part of his life was inoffensive, and serviceable to his country; that there are grounds to believe that the remaining part of it will not only be harmless, but useful to the state. These suggestions have the greater weight, if it can be farther urged, that he has been already sufficiently punished by other hardships he has suffered; by the danger he now undergoes, or by the remorse he feels. Independent of his person, his nobility, his dignity, his relations, and his friends may likewise be urged. Great care, however, ought to be taken to manage his defence so, that, should he be pardoned, the judge should not be blamed for his weakness, but honoured for his compassion.

But though this topic of deprecation may not prevail through the whole of the pleading at the bar, yet it very often takes up the greatest part of it. For a pleader frequently has occasion to say, "My client did not commit the fact, but, supposing he had committed it, he ought to be pardoned;" and this is a consideration that is often prevalent in doubtful causes; and the windings-up of most pleadings generally hinge upon supplications. Nay, sometimes the defendant places upon them the stress of his defence. Thus, supposing a father disinherits his son, because he is in love with a whore, and for no other reason. Here the whole question is, whether this was a fault which the father ought not to have pardoned, and whether the centumvirs ought to be as rigorous as the father? But even in penal prosecutions, and prosecutions for defamatory words, we generally

generally distinguish, "whether the party has incurred the penalty of the law? And whether he ought to undergo it?" It is true at the same time, that when a judge is bound down to act according to law, he is not to acquit a party, who has no other defence to make, but supplication.

With regard to matters of property; rewards, for instance, we are to examine two things; whether the claimant has a right to any recompense, or to so large a one as that which he claims. If two claimants appear, we are to examine which has the best right; and should more appear, we are to examine the claims of them all: and we are to decide for him who has the best grounded pretension. At the same time, we are not to consider the thing only, whether it comes before us by way of allegation or comparison; but the person likewise. It makes a great difference, whether the person who kills a tyrant is a young man, or an old man; a man, or a woman; a stranger or a relation. The place too on several accounts is to be considered. If he tyrannized in a state that was enslaved, or free; whether he fell in a fortified or an unfortified place? The manner too is to be considered; whether he fell by the sword, or by poison? The time too; whether in war, or peace; and whether he was killed at the time when he was about to resign his power, or at a time when he was meditating fresh oppressions and cruelties? The popularity of a party too, the risque he ran, and the difficulties he underwent, are likewise material considerations.

In like manner, in cases of liberality we are to distinguish between parties. There is more merit in the liberality of a man in indifferent, than of a man in opulent, circumstances: When it confers, than when it requites an obligation: From a man who has a family to maintain, than from him who has
none.

none. We are likewise to consider the degree of the benefaction, the time when, and the intention with which it was conferred ; that is, whether the motives were quite disinterested.

Other actions are to be considered in the same manner. Therefore, those causes, that turn chiefly upon the quality of an action, require all the powers of genius and eloquence : it is there they exert themselves to the greatest advantage ; it is there they make the greatest impression upon the passions, whatever side of the question the orator takes. He there employs all kinds of proofs ; sometimes from foreign circumstances, sometimes he is supplied from the nature of his cause, and eloquence alone furnishes him with the means of placing it in the most favourable light ; here she reigns ; here she controuls ; here she is despotic and decisive.

To this head Virginius refers causes of disinheritance, of insanity, of maltreatment, and of forced marriages, when an orphan can oblige her next relation to marry her ; all which, according to some, turn upon the principles of civil duty.

But such causes sometimes admit of other states. The conjectural prevails in most of them, where the fact is denied, or where it is alleged to have been committed with a good intention, of which we have many examples. Cases of insanity, or maltreatment, require definitions. For the points of law are generally first discussed, and the reasons for any deviations from the law are settled. But when the fact is not to be defended, it must rest upon the law. We are therefore to examine, in what cases a father is not at liberty to disinherit a son, nor a wife at liberty to bring an action against her husband for maltreatment ; or for one relation to sue out a commission of lunacy against another. A father has a right to disown a son upon two accounts ; first, if the
latte

latter has actually committed a crime, such as adultery, or ravishment; the second is, where no actual crime has been committed, but is eventual, as when a father disowns a son merely for being refractory to his commands. The former case is always odious, because what is done is irrecoverable; the second case is favourable, and admits of persuasion; for it may be presumed that a father chuses rather to correct a son than to disown him. But in either case the son is to behave with submission, and to appear ready to give his father all satisfaction.

Some, I know, pay but little regard to a father's professions upon such occasions, and I am sensible that a case may be so circumstanced that little or none is to be paid. But open disregard is to be avoided if possible. Cases of maltreatment are to be managed in the same manner, for the woman who prosecutes ought to observe the same decency.

Cases of insanity too are brought before a court, either on account of the party having committed certain acts of insanity, or the probability of his acting insanely, or his inability to act sanely.*

With regard to what has been actually committed, the prosecutor is at liberty to make the best of it, remembering always, that however he paints out the action, he is still to express a becoming concern for his father, whom he is to compassionate, because the disorders of his body have brought on those of his mind. As to those matters that may yet be prevented, the son is to use variety of entreaties and intercessions, and to end them by assuring the court, that his father's infirmities, and not his morals, have rendered his actions thus irregular; and the greater commendations the son bestows upon his father's

* [Orig. *Vel non fieri potest*] Abbè Gedoyn has not translated this expression; and some Commentators think it impertinent, but I durst not omit it.

past life, he will be the more readily believed as to the change, which his disorder has brought upon him. As to the accused party, if his cause admits of it, he ought to offer his defence with great calmness, lest he should convict himself by discovering emotions of passion, eagerness, and violence, all which nearly resemble frenzy. But in causes of this kind, the accused do not always defend the fact, but often have recourse to asking pardon, and excusing what they have done. For when it is a family dispute, a party is sometimes acquitted, if it is his first fault, if he fell into it through a mistake, or if the charge appears to be aggravated.

Many other kinds of causes turn upon quality. Assaults, for instance, and damages; for though the defendant sometimes denies the fact, yet most causes of that kind turn upon the quality of the fact, and the intention of the party. As to trials upon the right of prosecuting, called divinations; Cicero, who impeached Verres at the desire of the Roman allies, lays down the following division: That the court ought to regard the desires of the complainants in appointing the prosecutor, and likewise the person whom the impeached most dreads in that capacity. In such causes, however, the following considerations frequently occur: Which party had the greatest provocations; which would be most active, and most powerful, in supporting the impeachment; and which would be most zealous in carrying it on.

Cases of guardianship come likewise under this head. Here the question generally is, whether the guardian is accountable for aught but the money and effects that are in his hands, and whether he ought to give security not only for them, but for whatever may happen to the estate in consequence of his administration and advice. Causes of mismanagement of other people's affairs are of the same kind.

kind. For such causes may be brought before a court of justice, as may likewise all matters of commission or intromission. In schools we declaim likewise upon libels; and here we try first, who was the author; and secondly, whether the matter charged is libellous.* But cases of this kind seldom happen at the bar.

Amongst the Greeks, real impeachments were often brought against those ambassadors that had misbehaved in their functions. Here a point of law frequently arose, whether ambassadors ought to act in any other manner than their instructions direct them, and how far their powers extend. For their public character ceases, when they have reported the success of their embassy.† But Heius, before he returned to Sicily, commenced evidence against Verres, whom, as ambassador, he had highly extolled, and therefore was liable to prosecution. But it is a matter of the greatest consequence to know the meaning of the words, betraying the public. It has given rise to at least a thousand law-cavils. What it is to betray the public? Whether it has not been rather served, than betrayed? Whether it has been be-

* [Libellous] The original here is very particular. *Præter hæc finguntur in Scholis & Scripta maleficia, in quibus aut hoc queritur, an scriptum sit: aut hoc, an maleficium sit: rarè utrumque.* Some commentators have been of opinion, that the *scripta maleficia* here mentioned were a kind of poisonous incantations, conveyed in certain characters, because the *Maleficæ Muliers* were a kind of enchantresses: but I chuse to refer the expression to the *Libri famosæ*, which answer our defamatory or treasonable libels, which were so famous among the first emperors of Rome. The manner in which I have translated it is almost literal, but it agrees exactly with the practice of the courts of law in England. The Abbé Gedoy has omitted the whole passage.

† [Embassy] The best reading here seems to be that of *Stephanus*, *Quoniam alii in renunciando sunt.* Burman conjectures, that for *sunt* we ought to read *fiunt*, which is much to the same purpose.

trayed

trayed by him, or upon his account? But a great deal depends on the nature of the proof.

Causes of ingratitude come, likewise, under this denomination. Here the question is, whether the person prosecuted did really receive the obligation? This seldom is denied, because such denial alone might fix the charge. We then inquire, whether he has requited the obligation; and, whether, because he has not requited it, he has deserved the charge of ingratitude. Whether it was in his power to requite it; whether he owes any such obligation as is alleged; and with what intention it was conferred, or withheld?

Cases of unjust divorce are more simple, but with this peculiarity, that the prosecutor becomes the defendant, and the defendant the prosecutor. Under this head likewise comes the case of a man giving to the senate his reasons, why he intends to put himself to death. Where the only point of law is, whether a man, who wants to put himself to death, ought not to be restrained from doing it, if he is to do it in order to elude the laws of his country? All the rest of the cause turns upon quality. We have likewise sham pleadings upon supposed latter wills, where the only point to be discussed is, the intention of the deceased. Such is the case that I have already mentioned, in which a physician, a philosopher, and an orator, lays each of them a claim to the fourth part of the father's estate. The same manner prevails, where several persons equally related to an orphan claim her in marriage; the question is, which kinsman will make the fittest husband for her? But I have here no intention to touch upon every subject of this kind; for many yet remain unmentioned, and all of them have their peculiarities, according to their different states of the question. I am, however, surprised that Flavius, (to whose authority I pay the

greatest deference, yet no more than he deserves) when he composed his system of rhetoric for the use of schools only, comprehended this head of quality under such narrow bounds.

I have already observed, that generally, though not always, proportion, whether it relates to measure or number, is comprised under the head of quality. But the measure sometimes is determined by the estimation of the action, whether it be hurtful, or beneficial. Sometimes by law, when we debate upon the law that is to award punishment or recompense. "Whether a ravisher shall be acquitted for paying the sum of money,* which by law is to ransom the penalty of the crime; or whether he ought not to be put to death, as causing that of the ravished person, who could not survive his ravishment?"

Now, they are mistaken, who in this case say that the dispute turns upon the two laws only; for there can be no manner of dispute concerning the money, because it is not sued for. The question is, whether the defendant was the cause of the other man's death? Questions of this kind are sometimes conjectural: "Whether a malefactor shall be banished for five years, or for life? Whether such a one was guilty of wilful murder?" Questions relating to proportional numbers are likewise to be determined by law. "Whether Thrasybulus was not entitled to thirty rewards for expelling thirty tyrants?" When two thieves are detected in stealing a sum of money, "Whether each shall restore it fourfold, or twofold?"† But here too the nature of the fact is considered, and the law itself is construed according to the quality of the action.

* Viz. Ten thousand asses, which in our money is between thirteen and fourteen pounds.

† [Twofold] The civil law condemned such a thief as is here mentioned, to refund four times the sum he had stolen. The question therefore was, whether, if each thief contributed double, the intent of the law was not answered?

CHAP. V.

CONCERNING THE INSUFFICIENCY OF PROCEEDINGS.

AN impeached party, who neither can deny a fact, nor distinguish it away, nor defend it, is obliged to intrench himself within the law; and here he generally lays hold on the impropriety of the action. But this is not a point which, as some think, is always treated in the same manner. For sometimes it goes before the trial, as when the prætor wants privately to satisfy himself, whether such a man is a proper person to impeach another. And often it occurs in the very trial itself. The manner of debating this matter is either by attacking the action, as being wrong laid, or by excepting against the party who lays it.

Now, some have made excepting, or challenging, a head of pleading by itself, as if it did not take place in all the same questions as the other laws. While the dispute rests upon the exception, the fact that is tried is out of the question. For instance; a son excepts against the father, as an improper person to bring an action against him, because he is notoriously infamous. In this case, the only question then is, "Whether the son has a right to make such an exception?" But in all such cases a party ought to throw in as much as he can, to prepossess the judge in his favour upon the main question. Thus in questions upon interlocutory judgments, when the title turns upon possession, and not upon right, the defendant should endeavour to show, that he had not only the actual, but the rightful possession of the premises.

But this question most commonly turns upon the demand itself. The law says, that "the man who serves

serves his country has a right to demand, for recompense, what he pleases." Now, I deny that he ought to be gratified with whatever he demands. I have no exception to the man, but I except against the words of the law, in favour of its meaning. Yet, both those kinds of causes admit of the same state of the question.

Every law either gives, or takes away; or punishes, or enjoins; or prohibits, or permits. It is canvassed either for its own meaning, or as it stands in relation or opposition to another law. The question turns either upon its terms, or its meaning; and the former are either clear, dark, or equivocal. All I here say of laws is applicable to last wills, to bargains, contracts, and, in short, to all written instruments, and even to verbal contracts. And, because upon this head I have laid down four states, or questions, I will touch upon each.

CHAP. VI.

CONCERNING QUESTIONS ARISING FROM THE TERMS, AND THE MEANING OF A LAW.

THE terms, and the meaning, of a law are the points most frequently agitated at the bar, and in most causes are decisive. No wonder, therefore, that they prevail greatly in schools, where causes turning upon this distinction, are assiduously invented.

The first division upon this head is, where both the terms and the meaning of the law come into question. This happens when there is some darkness in the law, which each party makes advantage of, to establish his own construction of it, or to destroy that of his opponent. Thus, the law says, a thief shall refund fourfold what he steals. Now,

two thieves steal twenty pounds, and they are sued to refund fourscore pounds a-piece, but each offers to lay down only forty. I demand no more than tenfold, says the prosecutor. And we offer you tenfold, say the defendants. Here both hinge upon the meaning of the law. The same thing happens when one part of the law, in one sense, is clear, in another, doubtful. Says the law, the son of a whore is to be debarred from the rights of the people. Now, a woman, after having a lawful son, has a son of a whore; and that son is debarred from the rights of the people. Had this son been born while she was a whore, he comes plainly under the description of this law. But, says the son, I was born when my mother was an honest woman. You are her mother, replies the other party, and she is a whore. Sometimes it is doubtful, to what object the terms of the law relate. Says the law, You are to bring no action twice for the same thing. Now, it is doubtful whether the word twice relates to the prosecutor or the thing prosecuted. All such questions arise from the obscurity of the law.

Another sort of causes, under this head, is, where the law is clear and express, both in its terms and meaning; and yet one party hinges upon the text and the other upon the meaning. Now, the text of the law may be combatted three ways. I hinge upon the impossibility of the observance. Says the law, Children are either to maintain their parents or be put in irons. But an infant cannot come under the description of this law. This leads us to several points of inquiry: Whether the meaning of the law is, every child? Whether this party comes under the meaning?

For this reason, some lay down a kind of maxim in which no argument can be drawn from the text itself, but from the nature of the action.

which the prosecution is founded. Says a law, If a stranger shall mount the fortifications of the city, let him be put to death. The enemies attempt to storm the city; a stranger mounts the fortifications, and drives them back. Here, there is no question about every stranger, or this stranger, because the very action, for which the stranger is prosecuted, is the strongest arguments against the terms of the law. What! is not a stranger to mount the ramparts of the city, in order to save the city? Here the stranger's defence rests upon natural equity, and the meaning of the legislature.

In some cases we may bring examples from other laws, to prove that we cannot always go by the terms of a law, as Cicero does in his pleading for Cecinna.

A third division is when, in the very words of the law, we find some circumstance to prove the meaning of the legislature to have been different. Says the law, The man who in the night-time shall be caught with steel about him, is to be put in irons. A magistrate puts a man in irons for wearing a steel ring in the night-time. Now, the very word caught, implies the meaning of the law, to regard only steel weapons. But as the party, who attaches himself to the meaning of the law, should do all he can to explain away its terms, so he who hinges upon its terms should endeavour to avail himself of its meaning likewise.

In testamentary matters it sometimes happens, that the testator's intention is evident, but that it appears by no expression of his will. Thus, in the trial between Manius Curius * and Marcus Coponius, when the noted contest happened between Mutius and Scævola, the former was left heir by the testator, if the son, who was to be born after his

* [Curius] See Cicero de Oratore, l. i. c. 39.

death,

death (for he believed his wife to be with child), should die before he came of age. No child was born; the heirs at law demand the estate. Now there can be no doubt the meaning of the testator was, that Curius should be his heir, either in case he had no son, or in case he had no son that came of age. But this meaning was not expressed in his will.

Cases the reverse of this sometimes happen, by the words of the will evidently contradicting the meaning of the testator. One left to his friend in a legacy five thousand sexterces; he afterwards altered his will, and instead of sexterces, inserted pounds-weight of silver, without expunging the three cyphers, which appeared not to be the intention of the testator, who certainly meant five pound-weight of silver, and not the other great and incredible sum. General questions likewise arise under this head. Such as, whether we are to stand by the terms or the intention, and what was the testator's intention; all which questions relate to conjecture or quality, of which I have already sufficiently treated.

CHAP. VII.

CONCERNING CONTRADICTIONARY LAWS.

I AM now to speak of contradictory laws; because all rhetoricians agree, that such contrariety contains two states; that relating to the terms, and that relating to the intention. Because when one law contradicts another, each party litigates the terms and meaning of his opponent's law. And thereby the question becomes double; which of the two laws is to take place. Now common sense tells

tells us, that a law cannot be enacted professedly in contradiction to another, without repealing that other ; but then two laws may be so circumstanced, that accidentally or eventually they may clash with one another.

Now this may be the case with two laws equally in force ; one law says, that the destroyer of a tyrant shall be gratified with whatever he shall demand. Another makes the same provision, for the man who shall eminently serve or save his country. Both of them demand the same recompense, and this introduces a comparison of their respective merits, dangers, and deserts. Sometimes two parties, in the same circumstances by law, clash the one with the other : two patriot heroes, two destroyers of tyrants, two women who had been ravished. * In such cases there can be no question put with regard to time, Who had the priority ? Or the quality, Which claim is justest ? Different or similar laws sometimes clash with one another. A commandant is not to leave the garrison. A hero, who has served his country, is to be gratified in his demand. Now this hero may be a commandant, and his demand may be to leave the garrison. Nay, without regard to any other law, a doubt may arise, whether such a hero ought to be gratified in whatever he shall demand. As to the commandant, a thousand reasons may oblige him to leave his garrison ; for instance, should it be set on fire, or should he be obliged to repel the enemy. To similar laws,

* [Ravished] The reader is to understand, that in cases where it was plainly proved, that a woman had been ravished, she had her option either to demand the ravisher in marriage, without bringing him any fortune, or that he should be put to death. The case here alluded to is that of a man who in one night ravished two women, the one of whom demanded him in marriage, and the other demanded his head.

nothing but the words of the one can be opposed to the words of the other. One law says, the statue of a person who has killed a tyrant shall be erected in the public place of exercise; another law says, the statue of no woman shall be erected there: now, a woman kills a tyrant. Here, and in no other case, can the woman's statue be erected, or that of the tyrannicide rejected.

When there is an inequality in two laws, the one admits of great opposition, and the other of none but what is the subject of the litigation. Thus the hero I have already mentioned, demands pardon for a deserter. Now I have already shown, that great opposition may be made to the gratifying such a hero in his demands; but no opposition, excepting his demand, can be made to the law, which dooms a deserter to death.

Again, the sense of both laws is either admitted on both sides, or it is doubtful. If it is admitted, we next examine, which law is most powerful? Whether it relates to God or man? To the commonwealth, or to private persons? To rewards or to punishments? To matters of importance or to trifles? Whether it permits, prohibits, or commands? Sometimes we examine likewise, which law is most ancient, and consequently most obligatory; and which law will be least violated. As in the case I have just now mentioned of the deserter and the hero. Because, if the deserter is suffered to live, the law is totally violated: but if he is put to death, the hero may be indulged in making a second demand. But in such cases, the most decisive consideration ought to be, which law can be observed with the greatest justice and equity; and this can be determined only by the subject matter in question.

If the sense of the two laws is doubtful, the doubt must arise, either from one or both parties,
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who reciprocally dispute one another's construction of it. As in the following case; "A father may by law claim the property of his son, and a master of his freed-man; the freed-men descend to the heir." Now a certain person makes the son of a freed-man his heir; this freed-man's master, and the freed-man himself, both claim the property of the son and his estate. Says the one, "I have the property of him because he is my son. But, says the other, you can have no property, but what is mine, for you yourself are my property." Two provisions in the same law are often opposed to one another, as if they were two different laws; for example, "A bastard, born before a legitimate son, is to be held as legitimate, if born after he is to be considered only as a citizen." What I have said concerning laws, is applicable likewise to decrees of the senate, either when some are contradictory to others, or when they are inconsistent with the laws. For the same considerations prevail through all.

CHAP. VIII.

CONCERNING SYLLOGISTICAL OR LOGICAL REASONING.

THE syllogistical manner resembles what I have already observed concerning the terms and the meaning of the law; with this difference, that there we dispute against the terms, and here upon them. There, he who hinges upon the terms, insists upon the literal observation of the law; here, he requires, that nothing shall be done but what the terms of the law direct. And it has some affinity to the head of definition; for very often an improper definition slides into a syllogism. Supposing a law, that every woman who is guilty of poisoning shall be put

to death; and that the following case happens; "A woman gives a love-potion to a husband who is unfaithful to her bed, and then leaves him; the relations on both sides entreat her, but all in vain, to return to her husband, who, upon that, hangs himself, and the woman is accused of poisoning." Now the strongest plea of the prosecutor is to say, that a love-potion is poison. This is a definition, but if it does not answer, he has recourse to reasoning, and without insisting upon his definition, he shows, that the woman ought to be punished in the same manner, as if she actually had killed her husband by poison. Thus the state of reasoning infers somewhat that is disputable from the terms of the law, and because this inference is made by reasoning, it is called a rational inference.

Of the like kind are the following questions; Whether the law ought to be executed oftener than once for the same crime, and upon the same person? For instance, "A woman is condemned to be thrown from the top of the Tarpeian rock; the sentence is executed, but she lives. And the prosecutor demands that she shall undergo the sentence again." Whether the same person may claim several rewards for the same thing? "A man kills two tyrants at one time; and he demands a recompense for each." Whether what ought to have been done before, may be done after? "A woman is ravished, the ravisher flies, the woman is married to another person, the ravisher returns, and she makes her demand of option, that the ravisher shall either marry her, or be put to death." Whether what is law as to the whole, is not law as to a part of that whole? "A creditor cannot detain a plow *, but he detains

* [Plow] This was not an imaginary but an actual provision in the civil law; and the reason was, that the plow could be of very little service to the creditor, but that the loss of it might be of the utmost detriment to the debtor and his family.

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the plow-share." Whether what is law as to a part, is not law as to the whole? "A certain state prohibits the exportation of wool*; a merchant therefore exports sheep."

In all syllogistical reasonings of this kind, one party pleads the letter of the law; the other says, the law has made no provision against the case in question. "I demand, says one party, the execution of what the law awards against that woman convicted of incest." By law the ravished woman has her demand of option. If the merchant exported sheep, he exported wool likewise: and so of the others.

But it may be answered, "that the law does not say, the incestuous woman shall be thrown twice from the Tarpeian rock; that the ravished woman shall have her option after she is married; that the tyrannicide shall have two recompenses. The law speaks nothing of the plow-share; the law speaks nothing of the sheep." Therefore the doubtful is collected from the evident matter.

It is more difficult to find out in the letter of the law, that which is not expressed in the law. The law says, He who kills his father, is to be sewed up in a sack, and thrown into the sea. But it expresses no penalty against the man who kills his mother. The law says, That a man is not to be forced out of his own house for any matter of debt. But it makes no express provision against his being forced out of his tent. In all such cases, we are to inquire whether we are not at liberty to have recourse to a similarity in some other division. Se-

* [Wool] I am not sure, whether the Tarentines, which is the state here mentioned, prohibited the exportation of wool, or whether this is a fictitious case. Meanwhile it is certain from Columella, that the wool of Tarentum was the softest, and properest for manufacture of any in Italy.

condly, whether the matter in question is really like the decided point. Now similarity is implied either in a greater, in, an equal, or in a less degree. In the first case we are to examine, whether the matter in hand has been sufficiently provided for by the decision of the law : and if it has not, whether we are to insist upon either of them. In both cases the intention of the legislature is to be considered ; but the chief consideration is the rule of equity.

CHAP. IX.

CONCERNING EQUIVOCALITY.

EQUIVOCALITY is so frequent, that some philosophers have thought, there is not a word that does not admit of more significations than one. The kinds of it, however, are only two ; that which arises from single, and that which arises from several words. A single word may lead us into a mistake. For instance, the word cock *, which signifies either a man's name, the cock of an instrument, or of a vessel, or a bird. And the name Ajax may denote either the son of Telamon, or Oileus. The verb discern, either signifies to see or distinguish ; or in civil matters, to decree or adjudge. The word ingenuity is often taken for art, though it properly signifies honesty or candour †. The Greeks give us

* [Cock] I have taken a very little liberty here with the original, because the word Gaul does not answer in English to a castrated priest ; which it did in Latin, to signify the priests of Cybele.

† [Candour] I have likewise, in this and several other examples brought by our author, added and omitted some things, for the same reason as above.

a great many trifling, gingling examples of the same kind.

The equivocality is more puzzling when it runs through a whole sentence, and where the cases of words are ambiguous; for example,

Æacides, I say, the Romans shall o'ercome.

The placing of a word, though there is no ambiguity in the cases. Thus Virgil says,

The bridle yet he held——

Here there may be a doubt, whether the poet means he still held the bridle, or he held the bridle notwithstanding. Another dispute of the same kind arose from a man ordering by his latter will, That a statue should be erected to him holding a spear all of gold. Here the question is, whether the statue was to be all of gold, or the spear. Nay, sometimes a wrong cadence will cause an ambiguity in a line. Sometimes a sentence may be conceived so, that of two nominatives, which it contains, it is doubtful which belongs to the verb. Says a man in his latter will, I ordain that my daughter shall give to my wife a hundred pound-weight * of my plate; such as she shall chuse. The question here is, who is to have the choice.

I could bring many other instances, were it necessary. Upon the whole, it does not signify in what manner an equivocality is either formed or resolved. For it is certain, that it always has two senses, and that the word or the expression is equally favourable to both. Therefore it would be in vain to lay down any rules for accommodating the sense of the word to our meaning; for could

* Our author gives us several other examples of ambiguities, which were they not, as they are, peculiar to the Latin tongue, it would be superfluous to translate. And one of them is brought from Cicero, but I think with no great justice.

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that be done, there would be no equivocality. The whole dispute that can occur upon this head is, which meaning is most natural, which most equitable, and which is best fitted to answer what probably was the intention of the speaker, or the writer; all which considerations we have already handled, under the heads of conjecture and quality.

CHAP. X.

CONCERNING THE RELATION AND DIFFERENCE BETWEEN THE SEVERAL STATES OR HEADS ALREADY LAID DOWN.

Now, there is a certain relation that connects all the states I have mentioned. For definition regards the meaning of a word; and syllogism, which is the next state, the intention of the writer; and in the contrariety of laws arise two different states; one of the terms, and another of the meaning. A definition itself sometimes becomes an equivocality, when the word defined admits of two senses. The terms and the intention turn upon the expression, as does that state which arises from the contrariety of laws, or *ANTIMONY*. Some, therefore, have reduced all these states to two, that of the terms, and that of the intention. And others think that the terms and the intention, when they appear to differ, always contain an ambiguity which forms the question. But they are distinct. For there is a difference between the ambiguity, and the obscurity, of a law.

For, the state of definition contains a general question upon the nature of a word, which may stand unconnected with the circumstances of a cause. The state arising from the terms, and the meaning, arises from what is expressed in the law;
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and the state of syllogism from what is not expressed. The equivocal state presents us with two different senses, and the antimony makes one law fight with another. These distinctions have had, and still have, the sanction of the most learned and sensible professors and pleaders.

Meanwhile, I have laid down some (though not all) rules relating to the distinctions I have here made. Others entirely depend upon the circumstances of the cause. For it is not enough to divide the whole of a cause into several questions and topics; because each of these divisions themselves have their proper arrangements. In an exordium, for instance, somewhat comes first, somewhat is urged in the second place, and so on. In short, every question, every topic, that can arise, has its proper disposition, in the same manner as general propositions have.

Supposing an orator, in handling one of the causes I have already mentioned, should proceed upon the following division. "I shall here, says he, examine, Whether a patriot hero is to be gratified in every demand, though he should demand private property, though he should demand an unmarried lady for his wife, though he should demand a married lady from her husband, though he should demand the lady here in question?" Can we have any opinion of such a pleader's abilities, if, when he comes to speak to the first head of his division, he shall, without order, without method, sputter out whatever comes uppermost? If he shall be ignorant, that the first point he is to examine is, Whether he is to abide by the words, or the meaning of the law? If he knows not, that even this must have its proper introduction; which introducing what comes next, and that connecting what is subsequent, his pleading rises into a graceful form, like
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the human figure, where the hand forms part of the person, the fingers of the hand, and the joints of the fingers?

I say again, that the method of dividing depends upon the stated, defined, subject of the pleading. For, what can one, what can two, what can a hundred, nay, what can a thousand examples avail, amidst such an infinite variety of subjects as occur? All that a master can do is, to be always taking sometimes one subject, sometimes another; and, in each, to shew the order and relation of circumstances, so that his pupil may, by degrees, know how to practise and apply them in other cases; for art is inexhaustible in its effects.

Is there a painter, who knows how to strike out the resemblance of every subject in nature? No; but if he is complete master of the principles and practice of drawing and colouring, he is able to represent any original that comes before him, let it be what it will. An ingenious artist can cast the mould of a vase different from any he ever saw. There is a kind of knowledge that is not to be taught, but may be acquired. A physician knows, in general, the diseases of the human body, the methods of treating, and the symptoms that indicate them. But his own sagacity alone directs him in the judgment he is to form from the beat of the pulse, the hectic motion, quick breathing, and shifting colour.

Great part, therefore, of a pleader's knowledge must come from himself. He is to make himself master of his subject, and he is to remember there was a time when his art was practised without being taught. He will find that the disposition, or what we may call the economy of order, which is so decisive in pleading, can arise only from his attending to the circumstances of the cause he has in hand. These alone can direct him, whether an in-
troducti

introduction his proper, or improper; whether the narrative ought to be continued, or divided; whether we should take up our detail at the beginning, or with Homer* in the middle, or, even, at the end of an action; where a narrative is absolutely improper; when we are to begin with our own propositions, when with those of our adversary, with our strongest or weakest proofs; when our cause requires us to enter abruptly upon the propositions we are to lay down, or when we are to guard them with certain prefatory hints; whether those hints are to be such as shall instantly seize the affections of the judge, or steal upon him gently, and by degrees; whether we are to refute by the lump, or one allegation after another; whether we are to diffuse the moving powers of eloquence through the whole of our pleading, or reserve it to the close; whether we are to begin with the matter of law, or the matter of equity; whether in the impeachment we are to begin with urging crimes, or in the defence with repelling charges of facts that happened long before the case in question; or whether we are not to confine ourselves wholly to that: If one cause contains a multiplicity of circumstances, how we are to arrange them, in what order we are to produce our evidences, what writings, and of what kind, are to be read during the pleading, and what are to be reserved till it is over. Thus an orator acts like an experienced general, who stations his troops so as to answer all the events of war, by appointing some to guard the forts, others to garrison the towns, some to escort the foragers, and others to secure the passes; in short, by making proper dispositions both by sea and land.

* [Homer] The *Odyssey* and the *Æneid* enter at the middle of the subject; but, though the action of the *Iliad* commences towards the end of the siege of Troy, yet the poet, in his detail, has had the art to introduce almost the whole history of that siege.

No man, however, can make such a figure in speaking, but the man who is possessed of genius, learning, and application, foolish is he who thinks to become eloquent only from the brains of another. He who wants to be an orator must ply his studies early and late; undismayed by difficulty, he must renew his efforts, till he grows pale with the labour. His powers, his practice, his manner, is to be all his own. He is not to consult a copy, but be himself an original. His abilities must seem not to be implanted, but innate. Art, if there is an art in eloquence, can soon shew us how to find her. But art can do no more than unfold her beauties; it is through our own vigour that we must enjoy them.

As to the disposition of particular parts, each has its first, second, and third degree of relation to another. And this is not only to be observed, so as to range them properly; but they are to be joined and inlaid so smoothly, that the whole shall seem to be one composition, and of the same materials. This can only be done by our suiting expressions to things, by making words fall in with words, so as each shall strengthen, each shall embellish another. Thus matters, though drawn from topics formerly different and unconnected, far from clashing with one another, shall fall into regularity and agreement; and the members receiving mutual support from each other, shall be combined into a whole, expressive not only of contrivance, but of harmony.

But the subject I have now touched upon, I believe, betrays me to transgress my allotted bounds; for I feel myself sliding from disposition into elocution, which I am to treat of in the next book.

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK VIII.

INTRODUCTION.

THE last five books of this work have been pretty full concerning the principles of invention and disposition, the thorough knowledge of which is absolutely necessary to the practice of eloquence; but, to young beginners, it ought to be taught in a shorter and more simple method. For such are either deterred by the difficulty of so complicated and intricate a study, or their spirits are oppressed by the severity of the task, at a time when their capacities require the utmost delicacy of management and indulgence. Or, if they make themselves masters of these minute, though thorny, particulars, they think themselves sufficiently qualified to be orators: or, lastly, pinning themselves down, as it were, to certain modes of speaking, they dread every exertion of genius that deviates from their dull round of words. This is the reason which some assign, why the authors, who have wrote with the greatest accuracy upon this art, have had the most indifferent success in the practice of it.

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The young pupil, however, ought to be conducted to the path that leads to eloquence, a path that should be rendered plain, accessible, and easy. Let the skilful professor, I have already recommended, chuse, from the whole system of his art, the most edifying precepts, and, at the same time, the most palatable. Let him feed the tender mind with these, without troubling his pupils with the rugged and disputable parts of it; and, as they grow up, they will improve in learning. At first, they ought to believe there is no other road than what is shewn them; and, as they are acquainted with it, they are to believe it likewise to be the best. Now, writers, by their obstinate adherence to their several opinions, have perplexed matters, that, of themselves, are very plain and intelligible. A master, therefore, amidst such various systems, is more puzzled to chuse the most proper, than to teach it after he has chosen it. And particularly, as to the two parts of invention and disposition, the rules are but few; but if the pupil can once make himself master of them, the practice of the rest will soon become very easy and habitual.

What I have hitherto chiefly laboured has been to shew, that rhetoric is the science of speaking well; that it is useful; that it is an art; that it is an excellency or virtue of the mind; and that it is applicable to every subject we can speak to: all which may be reduced to three kinds, the demonstrative, the deliberative, and the judiciary: that all discourses are composed of things and words: that, in things, we are to regard invention; in words, elocution; and in both, arrangement: that these are what the memory ought to retain, and the action display: that the business of an orator is to inform, to move, and to delight: that explaining and arguing are necessary for informing: that emotion belongs

belongs to the passions ; and that, though these are to be regarded through the whole of a pleading, yet their great movements ought to prevail chiefly in its beginning and close : that though a hearer has delight, both when his mind is informed, and his passions are touched ; yet that delight operates chiefly by elocution : that some questions are general, and others bounded by circumstances of person, place, and time : that in all causes there are three points of inquiry : whether a thing is ? what it is ? and of what quality it is ?

I have likewise shewn, that the demonstrative part of rhetoric consists in praising and reproaching ; and here we are to regard what was done by the person who is the subject of our discourse, and what happened after his death ; and that, therefore, it treats of whatever is virtuous in itself, or serviceable to mankind : that the deliberative part comprehended conjecture likewise ; whether a thing could be done, or whether a thing is possible ? I observed, that here we are to consider the characters in which we speak, and before whom we speak, and the propriety of what we say : that, with regard to judiciary controversies, some of them are simple, and others complex ; and that, in some of them, we have no more to do than to attack, or to defend : that all defence consists either in denying the fact, or the quality of the fact as charged, or in transferring it to another party : that every question relates either to a matter of fact, or of law : that matters of fact are determined according to their credibility, their circumstances, or their quality ; and matters of law by the import of the words, or the meaning of the legislature : and this contains a minute discussion of motives and actions ; whatever regards the letter of the law, or its meaning, with whatever turns

turns upon reasoning, ambiguity, or contrariety of laws.

I have likewise shewn, that every judiciary pleading consists of five parts: the introduction, in which we prepossess the hearer in our favour; the narrative, in which we lay open the cause; the confirmation, in which we establish and support the narrative; the refutation, which answers and destroys the charge of our adversary; and the peroration, the business of which is, either to refresh the memory of the judge, or to touch the passions. In that part of my work I have introduced all the topics from which we can argue or affect, and the several kinds of speaking that arouse, sooth, recompose, or delight a judge; and, lastly, I have added the method of dividing a pleading.

Here I am to instruct the pupil, who reads this work for improvement, that there is a certain method in which nature operates to excellent purpose without the assistance of learning; so that the rules I have laid down are not the inventions of masters, but the result of their observations and experience. What I am to communicate, in the ensuing part of this work, calls for more attention than the preceding; because I now design to treat of elocution, which all authors agree to be the most difficult part of this work. For Marcus Antonius, whom I have already mentioned, is introduced by Cicero, in his conferences upon the character and qualifications of an orator, as saying, "that he had known many good speakers, but never one orator." A good speaker, or a well-spoken man, according to him, thinks it enough if he speaks what is proper; but to give ornament to propriety, is the characteristic of perfect eloquence. Now, if this perfection was wanting in him, nay, in all who lived before him or with him,

him, even in Lucius Crassus himself, the defect must be owing to the difficulty of acquiring it. Cicero is of opinion, that a man of good sense may acquire the arts of inventing and disposing a discourse, but an orator only can be eloquent. And therefore the greatest part of the rules he lays down regards elocution alone; and the very word eloquence implies how well he judged that matter. Now, the property of eloquence is, to express with your tongue whatever you conceive in your mind, so as to communicate it to your hearers. Without being able to do this, all I have hitherto laid down is as useless as a sword hung up for show, and rusting within its scabbard.

This, therefore, is the great point I aim at. This is unattainable but by art; this calls for study, this requires practice, this requires imitation; the longest life is short enough to acquire it; it gives preference amongst orators, and establishes the excellency of one manner above that of another. For, we are not to suppose that the Asiatics, and others, who labour under a depravity of style, were not masters of their materials, and knew not how to arrange them. Neither were those, whom we call dry speakers, destitute of sense, or the knowledge of the causes they undertook; but the former in speaking, were void of all taste and elegance, and the latter of energy. In elocution, therefore, the greatest beauties, and the greatest blemishes of speaking consist.

But the student is not, for that reason, to confine his cares to words alone. For I here strenuously premise, that I do in this introduction declare war against all who shall wrest what I have said to a wrong meaning; and by neglecting the study of things, which are the nerves of causes, grow grey in an empty application to words; and all this from a
notion

notion of being more graceful. Now, in my opinion, gracefulness is the greatest charm in eloquence ; but it must be natural, and not affected. A vigorous body, whose complexion is flushed with health, and whose limbs are strengthened by exercise, receives its beauty and its strength from the same causes. The colour is florid, the joints firm, the arms muscular ; but let the same body be smoothed out, plumped up, painted and curled like a woman, the very pains that are taken to make it agreeable, render it detestable. The stately robe, and portly air (as a Greek observes), impresses authority and respect. But an appearance languishing and effeminate does not adorn the body, but exposes the mind. In like manner, an eloquence that is flimsy, glossy, and glittering, enervates the subjects it is meant to cloath.

About words, therefore, be careful ; but about things, anxious. Now the best set of words are those that arise from things, or from the subject, and from that receive the lustre they communicate ; but we hunt after words, as if they were retired into creeks and corners, and wanted to keep out of our sight. Thus we never reflect, that the matter we speak to is always ready to supply us with expressions ; but we first look for them in strange places, and, when we find them, we twist and torture them from their natural meaning. Eloquence requires a more exalted genius ; and, provided the whole of her appearance be strong and vigorous, she minds not the scraping of the nails, or the fashion of the hair.

But it generally happens that this finical curiosity spoils a style of language. For words, the less they are forced, are so much the better ; because they have, thereby, the greater resemblance to truth and simplicity. But, expressions professedly nice, and far-fetched,

far-fetched, carry, in their very sound, stiffness, and affectation ; and, far from being graceful, they create distrust in the hearer, by clouding, as it were, his senses ; and, like rank weeds, they choak the rising corn. For, instead of coming directly to the point, our love of words leads us round and round it. Instead of stopping, when we have said enough, we repeat the same things over and over ; when one word would make a thing clear, we cloud it with a thousand ; and we make a ridiculous emphasis often supply the place of an intelligible expression. A shame it is, thus to disregard propriety and nature, and to think it incompatible with eloquence to make use of an expression that others have used before ! Our figures and metaphors we borrow from the vilest of poets ; and we measure our own capacities by the greatness of capacity that is required to understand us.

Cicero, however, is expressly of opinion, “ that in eloquence the most dreadful blunder that can be committed is, to deviate into abstruse expressions, out of the beaten track of common sense.” But, says a modern, “ Cicero was a pedant ; he had no genius, taste, or learning. We are the fine gentlemen ; for we nauseate every thing that nature dictates. We love not a style that is ornamented, but bedizened.” Strange infatuation ! to believe that words can have any beauty, but by being fitted to their subject. Nay, if this fitness does not fall in of course, were we to spend our whole life-time upon them, vain would all our endeavours be to give them propriety, perspicuity, beauty, and proportion.

Mean while, the whole labour of modern orators is employed in hunting after single words, and, after they catch them, in weighing and measuring their meaning. Supposing they were always sure of employing only the best expressions, yet a curse upon

the success,* if purchased by doubts and delays, that cripple the career of eloquence, and damp the warmth of imagination. Wretched, and, I may say, poor, must that orator be, who cannot afford to lose a single word without repining. But he cannot lose it, if he is well grounded in the principles of eloquence. For, application to well-chosen books will furnish him with a large stock of words, and instruct him in the art of placing them properly. And these advantages will be so improved by daily practice, that he never can be at a loss, either to find or to apply them.

To an orator, who follows this method, things and expressions will present themselves at the same time. But to this purpose he must be prepared by study; he must have earned, and, as it were, stored up, the means of speaking. All the trouble of examining, judging, and comparing, must be over before we come to the bar. An orator who does not lay a foundation in study, like a man who has no substance in reserve, is perpetually at a loss how to proceed. If an orator is prepared with the requisites of speaking, every word will, without being called for, know its duty, and be as obsequious to his meaning as the shadow is to the substance.

Yet, even in this preparation, we ought to know when we have done enough. When we are provided with words that are proper, significant, beautiful, and fitly disposed, what can we require farther? Yet the capriciousness of some people has no bounds; they dwell upon, almost, every syllable; and, when they have the very best of expressions to convey their meaning, they still hanker after something that is more antique, more curious, and more

* [Orig.] Abominanda tamen hæc infœlicitas erat. But, if we change infœlicitas for fœlicitas, the sense will be much better.

surprising;

surprising ; without reflecting, that the sense is most wanting, where the words are most admired.

We cannot, upon the whole, be too careful of our style ; but, still remembering that we are to say nothing for the sake of words ; for words were invented, only, for the sake of things : and that their greatest merit lies in expressing our sentiments with the greatest efficacy, and bringing the hearer over to favour the cause we espouse. They ought, indeed, to strike and to captivate ; but we are not to be struck so as we are at the sight of a monster of nature, nor to be captivated so as we are with dishonest pleasure ; for their beauty ought to be such as is expressive of virtuous dignity.

CHAP. I.

CONCERNING WHAT IS GENERALLY REQUISITE IN ELOCUTION.

ELOCUTION regards either single words or sentences. It requires single words to be pure, perspicuous, ornamented, and fit for our purpose. It requires sentences to be correct, well-placed, and animated. Now in my first book, when I touched upon grammar, I laid down rules for the purity and chastity of language ; but there I only cautioned against the errors of speaking, and here it is proper I should recommend to my reader, that his style should be as little foreign or outlandish as possible. We know many who are masters of language, and yet their style is rather finical, than pure. Theophrastus, one of the best speakers in the world, was found out to be a foreigner, by an old woman of Athens, who observed his affectation of a single word ; and being asked how she found it out, she
said

said, it was by his over-atticism. And Pollio Asinius, thought that Titus Livius, a man of wonderful eloquence, retained in his style a certain *Pat/vinity*. Therefore we ought, if we possibly can, to bring our language and pronunciation to that purity, that they may seem to be the natives of our country, and not naturalized into her.

CHAP. II.

CONCERNING PERSPICUITY.

PROPRIETY of expression contributes the most to give it perspicuity ; but propriety is taken in more senses than one ; for at first sight, the real name of a thing is its proper name, and yet we sometimes avoid to express it ; for instance, if it is obscene, dirty, and mean ; because there is a meanness that is below all dignity or character. But here some are ridiculous enough to reject all expressions that are usual, nay, necessary to their subject. Thus a certain pleader talked about Spanish shrubs, without one of the court knowing what he meant, till Cassius Severus, to expose his affectation, told them that he meant a bulrush ; nor can I see how the famous orator, who made use of the expression, fishes hardened by smoak, * bettered the words which he industriously avoided.

But there is no great merit in keeping to that propriety, that adapts words to things. There is however a fault, the very reverse of that, which we

* [Orig. *Duratos muria pisces*] There is a great difference here in the original, but the speaker was certainly talking of red or pickled herrings, or some such fish.

call

call impropriety, and which associates a word with an opposite idea ; thus virgil says,

—To hope for so much pain.*

And in an oration of Dolabella, I observed the expression, He carried Death, † to signify he died.

But though a thing may not have a proper term annexed to it, yet the term annexed to it may for all that not be improper. To ‡ lance a man, is the proper term of an operation performed with that instrument, but we originally had no such term annexed to the same operation, when performed by another instrument, such as a knife or a sword. We say, to stone a person, when we throw stones at him,

* The text of my author is so corrupted, that one cannot really venture to pronounce upon what is his, and what is not. The remark here upon Virgil, however, if it is his (as I believe it is not), does no great honour to his taste. Such an association of ideas as Virgil gives us an example of in this passage, is perhaps one of the greatest beauties in poetry ; and I am not sure whether it is not one species of writing, in which the English have excelled the antients themselves. The association of ideas which we meet with in Milton, where he says, Death

Grinn'd horribly a ghastly smile——

is of the same kind as this of Virgil ; but it presents us with a portrait that perhaps never was equalled in so few words. To enjoy grief, is of the same kind, and thousands of the same sort may be found in the works of our best poets.

† [Orig. Mortem ferre] Which is a very common expression in speaking of another ; ejus mortem fert familiat. But perhaps the impropriety lay in its being applied to a man putting himself to death. The margin of Stephen's edition, instead of mortem, has morem, which seems to be the true reading ; and then our author seems to blame the substitution of an improper word. Morem ferre, for morem gerere ; as if we should say in English, to be acquitted of obedience, instead of, to pay obedience. I have omitted the two lines that follow in the original, because the reading of them is desperate, and were it not, the sense of them could be of no service to an English reader.

‡ [Orig.] Nam & qui jaculum emittit, jaculari dicitur : qui pilam aut eudem, appellatione privatim sibi assignata caret.

but

but we cannot in strict propriety say, we stoned him with dirt or rubbish. Abuses however of this kind are sometimes necessarily applied. For metaphorical speaking, which is one of the greatest embellishments of language, is no other than applying to one thing, the term that originally was appointed to another. Propriety of speech therefore does not relate to words but to their significations. We are to judge of it, not by the ear, but by the understanding. In the second place, we call a word proper, though it belongs to several things, but particularly to one thing, from which it is appropriated to the rest. Thus the word *Top* * originally signified a boy's play-thing, put into a gyral motion; from thence the upper part of the head, where the hairs grow in a gyral form, received the same term; and from that it was communicated to the highest part of a mountain. Now all these are very rightly called *Tops*, though originally and properly it signified only the boy's play-thing. Thus there is a fish we call a *Sole*, from its flatness, and resemblance to the sole of the foot.

There is yet a third and a different manner; when one particular thing is distinguished by a word that is in common to many. Thus a *Howl* †, in some countries, signifies, by way of distinction, a noise made at funerals, and the word *Flag* is appropriated to the ornament of a capital ship. In like manner,

* [Top] The Latin here is *vertex*, and answers in every respect to our word *Top*, which is of Celtic original, and was retained by the Tuscans, Germans, and Britons. The whole passage in the original is, *ut vertex est contorta in se aqua, vel quicquid aliud similiter vertitur. Inde propter flexum capillorum, pars est summa capitis, & ex hoc quod est in montibus eminentissimum. Recte inquam dixeris hæc omnia vertex, proprie tamen unde initium est.*

† [Howl] The translation here answers tolerably well, which is, *ut carmen funebre propriè Nænia : & tabernaculum ducis, Augustale.*

certain

certain words are appropriated to many objects, and peculiarly understood of one; for example, The town was understood to be Rome, a boy is understood to be a servant, and bronzes, to be figures in brass; though none of the words, solely and necessarily imply what they stand for; but all this calls for very little of the orator's abilities.

There is, however, another kind of propriety, that I greatly regard, and consists in its being so significant, that it is characteristical of its subject. Thus Cato said, "that Caius Cæsar came soberly to destroy his country." Virgil speaks of a fine-spun line, and Horace of the shrill pipe, and of the direful Hannibal.* Under this head some rank epithets, or properties expressive of things, as pleasant wine, white teeth. But of these I am to treat elsewhere. A happy metaphor is likewise ranked under the head of propriety, and sometimes a person is best known by the most striking part of his character, which is applied to him with propriety. Thus, though Fabius had many characters of a great general, yet his characteristic was, The Delayer.

Some may think that the emphatic manner by which more is understood than is expressed, ought to come under the head of perspicuity. But I chuse to refer it till I treat of the ornaments of style, because it does not communicate intelligence to language, but improves it.

Obscurity attends obsolete words. Thus, were a man to peruse the diaries of the priests, our antient leagues, and our very old authors, he might com-

* I thought fit to translate these examples, though it must be owned that there is a propriety in the original, *acer*, and *dirus*, which the English does not come up to. The original of the whole is, *Ut Cato dixit C. Cæsarem ad evertendam rempublicam sobrium accessisse: ut Virgilius deductum Carmen, & Horatius acrem Tibiam, Hannibalemque dirum.*

pose an unintelligible style of language. For in fact, some people are desirous of being thought learned, by possessing a knowledge unknown to all but themselves. We may likewise become obscure by making use of terms that are peculiar to countries, or trades. When we are speaking to a person who is not acquainted with such terms, we ought either to explain them, or to avoid them. We ought to observe the same rule with regard to a term that may be several ways applied. Thus, the word bull is applied to an animal; at the same time it is a way of speaking, a man's name, and an instrument in writing.

Obscurity, however, is of the greatest importance, and occasions the most mistakes when it is contained in the structure and thread of a discourse. Our periods, therefore, ought not to be so long, as that the attention of a hearer cannot keep up with them; nor our words so disordered, as to take some time to replace them so, as to make sense of them. A confusion of words is still worse, and of this we have an example in *Virgil**. A parenthesis intervening in the middle of a discourse, is apt to perplex the sense, unless it is short, and yet parentheses are common with poets and orators. We have an example of a parenthesis in *Virgil*,† when describing a colt, he says,

Nor dreads he empty sounds;

after a parenthesis of four lines, he resumes his subject in the fifth,‡

Impatient at the din of distant war.

As I observed before, we are to shun, above all things, such a placing of words as puzzles the sense.

* [*Virgil*] Saxa vocant Itali, mediis quæ in fluctibus aras.

† Nec vanos horret strepitus.

‡ —Tum si qua sonum procul arma dedere.

Stare loco nescit. —

For example, "Chremes,* Demea, I hear, has "beat thee;" and likewise such a disposition as, though it does not disturb the sense, yet may create a pause. For instance, if I should say, "I have seen a "man a letter writing."† For though upon reflection it is very plain that the man writes the letter, yet still it requires a pause to understand the words in that sense, and in fact they are as ill placed as possibly they can be.

Some are troubled with a flux of empty words; and that they may avoid speaking as others do, misled by false notions of elegance, they wrap up the plainest meaning in circumlocutions, then tacking one long period to another, and making that run to a third, they extend the whole beyond what a man's breath can compass without drawing it. They take pains to bring upon themselves this disease of verbosity; and, to say the truth, it is of an old standing. For I find that Livy‡ mentions a professor, who enjoined his pupils to darken, as he called it, from the Greeks,§ every thing they said; and the highest commendation he could give a scholar was, well done, my lad, that exceeds even my comprehension."

Others, fond of brevity, retrench from their style even words that are necessary; and, pleased that they know their own meaning, never consult the satisfaction of others. For my own part, I think all discourse idle, if it requires an interpreter.

But the worst of all clouds arises, when plain

* Chremetem audivi percussisse Demeam.

† Visum à se hominem librum scribentem. But as these words stand, I see nothing to be blamed. I am therefore of opinion with the learned Chifletius, that they ought to be placed visum à se librum hominem scribentem, and according to this last arrangement I have translated them.

‡ In Quintilian's time some letters of Livy were extant, from which this anecdote probably was taken.

§ Orig. *caute*.

words have a mysterious sense; for example, "He hired* a blind man to observe the passers-by." Thus, when a person gnaws his own limbs, he is in school terms said, "To lie above himself.†" Such sayings are thought to be ingenious and strong, and to borrow eloquence from ambiguity. Nay, many are firmly persuaded, that there is no elegance or beauty of diction, but that which requires an interpreter; even some hearers are pleased with this manner, because when they discover a meaning in it, they are proud of their own capacity, and exult, not, that they heard the thing, but they solved the difficulty.

For my own part, the first properties I require in a style are perspicuity, fitting words, natural order, and a well turned period, so that nothing in it may be wanting, and nothing superfluous. Such are the characters that render a style pleasing to the learned, and profitable to the ignorant. Thus much I thought proper to say with regard to elocution. For as to the rules for attaining to perspicuity, I have already laid them down, when I treated of the narrative, but all are managed in the same manner. For if a period is neither defective, nor redundant in words; if it is neither confused nor clouded, it must be dis-

* [Orig.] *Conductus est cæcus secus viam stare.* The Abbe Geydoyn has not translated this example, which has in it an audible gingle, and though commentators have given the meaning of it up, as desperate, yet our author very probably took it from some writer, who meant thereby to express, that some person or other threw out money as idly as if he had given it, to hire a blind beggar to beg; or, in the sense that I have translated it, he means one who had thrown out money to hire one for a spy, who could not make a common observation in life.

† [Orig.] *Supra se cubasse.* This example is likewise held by commentators to be desperate, though I think we may find out the concealed meaning, by having recourse to the 13th ode of the I Lib. of Horace, where the ardor of a lover is described by making the blood come from the lips of his mistress; see the note 1 Cap. 59, lib. 3. In my translation of Cicero's character of an Orator, where this expression is farther explained.

tinct

tinct and plain, let the hearer give it but an indifferent degree of attention. We are likewise to reflect that a judge is not always so extremely desirous to understand what he hears, as that he will employ the force of his own understanding to clear up an obscurity, or apply all his mental powers to enlighten the darkness of a pleader's style; that he has many avocations to divert his thoughts, and that, therefore, whatever we say ought to have an effect upon his mind, such as light has upon our eyes, though they are not turned towards the sun. We are to take care, therefore, that we not only render ourselves understood, but that we render it impossible that we should not be understood; for this reason it is that orators often repeat, when they think that they are not sufficiently understood; "I have not been clear enough in my representation of this matter. It is my fault if you do not understand it; I will therefore endeavour to explain it in clearer and more intelligible terms." And this is a manner which is always best received, when the orator takes all the blame upon himself, for not explaining the matter sufficiently at first.

CHAP. XI.

CONCERNING THE EMBELLISHMENTS OF STYLE.

That all Embellishment ought to be manly, not effeminate.—

That it ought to be marked according to the Subject.—Concerning the Choice of Words.—Of Words venerable by their Antiquity.—Concerning Words that are made, and metaphorical Expressions.—Concerning false Ornaments of Speech.—Of representing or painting an Object.—Concerning Similies.—Of Quickness of Description and Emphasis.

I AM now to speak of the embellishments or ornaments of style; and here an orator, doubtless, may give a freer play to his own fancy, than he can

in the other parts. To speak clearly and correctly is but a poor accomplishment. All an orator gains by it is, the character of rather being free from blemish, than possessed of excellency. The illiterate themselves can often invent; it requires a very small degree of learning to divide a discourse, and the deeper arts of speaking generally consist in the art of concealing them. In short, all these are qualifications which regard only the interest of the client. But the ornaments and embellishments of style regard the orator, and recommend his character. Other parts of his practice may procure him the approbation of the learned, but, by this, he wins the applause of the public.

When Cicero appeared on the side of Cornelius, he fought in armour that was not only strong but refulgent; but it was not by barely instructing the judges; it was not by the artfulness of his disposition, nay, nor by the perspicuity and purity of his style, that the admiration of his eloquence drew from the Roman people, not only acclamations, but tumults of applause. Believe me, it was the sublime, the pompous, the magnificent manner in which he spoke, that carried their approbation into uproar; nor had it been expressed in so unusual a manner, had he spoke like other orators, without any character to distinguish his eloquence above that of all mankind. For my own part, I believe his hearers were insensible of what they were doing; the applause they gave him burst involuntarily from them; and losing all reflection, unmindful of their own dignity, and that of the place, they unwittingly hurried into that noisy enthusiasm of delight.

But the ornaments of style, give me leave to say it, are of great service to a cause. The man who is most pleased to hear, is the most ready to attend, and the most apt to believe; he is generally won over
by

by the delight he feels, nay, sometimes admiration hurries him from reflection. The gleam of the sword strikes us with terror; nor would thunder itself dismay us so much, were it not that we are daunted by the effulgence as well as the force of the lightning. Cicero therefore had good reason to say, in one of his epistles to Brutus, "I hold that eloquence for nought that does not strike with admiration and surprise." Aristotle likewise thought this was the true character that an orator ought to aspire at.

But, let me repeat it, there ought to be no embellishment, but what is manly, strong, and chaste. It ought to bear no mark of effeminate levity; it ought not to consist of a plaister of red and white; its complexion must be florid, from health and strength of constitution. To prove the truth of this, I observe, that as, in this matter especially, the blameful borders very near upon the beautiful, so it is very common to adopt blemishes under the name of beauties. But let not the patrons of false taste in speaking think that I am against the culture of eloquence: no; I think it is a beauty, but that they do not possess it. Which field is best cultivated? That which is bedecked with lilies and daises, and watered from pretty gurgling cascades, or that which is full bosomed with a plentiful crop, or loaded with vines bending under the weight of their grapes? Am I to prefer the barren plantain, and the figured yew, to the kindly elm, and the fruitful olive? Let the rich enjoy such prettinesses, let them have their oddities, but what would they be, had they nothing else?

But, is the garden, that is for use, to admit of no ornament? By all manner of means. Let these trees be planted in a regular order, and at certain distances.

distances. Observe that quincunx, how beautiful it is ; view it on every side ; what can you observe more strait, or more graceful ? Regularity and arrangement even improves the soil, because the juices rise more regularly to nourish what it bears. Should I observe the branches of yonder olive-tree shooting into luxuriancy, I instantly should lop it ; the effect is, it would form itself into a horizontal circle, which at once adds to its beauty, and improves its bearing. See yonder horse, how short his back ; how beautiful it renders him, and, at the same time, how serviceable ! How distinct are the veins, how well marked is the muscleing of the practised wrestler ! It adds, you say, to the comeliness of his form ; and I say, that it likewise denotes his agility and strength. True beauty can never be separated from real utility ; and this we may perceive from a very moderate degree of observation.

But here it is very proper to observe, that even the manly, the graceful, ornaments I have mentioned are to be varied according to the nature of our subject. That I may return to my first division : the same ornaments do not suit demonstrative, deliberate, and judiciary, causes. For when a speaker wants only, what we call, to shew away, his whole purpose is to charm his audience ; he therefore unlocks all the stores of his art, he displays the ornaments of eloquence ; he avows his intention, which is not to be crown'd with success in his cause, but with wonder and applause in his pleading. Therefore, as a shop-keeper does his wares, he will expose to the eyes, and almost to the touch, of his customers, every pomp of sentiment, every blaze of language, every beauty of figures, every richness of metaphor, and every elegance of composition ; because he does not speak to carry his cause, but to recommend himself. But
when

when we are about business, when we are pleading in good earnest, our own glory should be last in our thoughts.

It therefore ill becomes a pleader to be nice and curious in the choice of his words, when he is engaged in an affair of the utmost importance. Not that I say, even then, he is to disregard all ornament, but that it should be more chaste, more severe, and less glaring, than at other times ; and above all other considerations, let it be suited to his subject. The senate requires a sublime, and the people a spirited, style of pleading ; and in courts, upon matters of property, life, and reputation, we are to speak in the most grave and accurate manner. But in petty causes, and in pleadings of very little consequence (for many such happen), it is enough if our manner is simple and natural. Must not a pleader be ashamed to employ a pomp of periods in recovering a poultry debt ? Or to attempt to touch the passions, while he is talking about his neighbour's drain ? Or to work himself up into enthusiasm, while he is describing the fault of a naughty slave ? But to return to my subject.

Having observed that the ornament, as well as perspicuity, of style, consists either in single words, or sentences, I come now to consider how each is to be managed.

It is true that perspicuity chiefly requires expressions that are proper ; and ornament, those that are metaphorical. But I am to observe at the same time, that nothing improper can admit of ornament. Very often several words have the same signification (and these we call synonymous words), and yet some words are more graceful, some more sublime, some more brilliant, some more agreeable, and some better sounding than others. I say, better sounding ; for, as syllables composed of the best sounding letters are clearest in the pronunciation, the same observation holds

holds with regard to words composed of the best sounding syllables ; and the fuller a word is pronounced, it is the more pleasing to the ear. Now the combination of words into sentences has the same effect, as that of syllables into words ; for this word joined to that may have a much better sound, than if it was joined to any other.

We ought, however, to employ words according to our subject. In matters of horror, we are to harrow up the souls of the audience by the terrors of expression. And indeed it is a general rule with regard to single words, to prefer those which are the most sonorous, and the most sweet in the pronunciation. Genteel expressions, too, are always preferable to coarse ones ; and a polite style never admits into it any thing that is indecent. We are to employ the pomp and elevation of expression, as our subject shall direct us. For that which, on one occasion, may appear truly sublime, may, on another, be mere bombast ; and that which in an important subject might seem mean, if applied to an indifferent one may be proper. But as a servile word appears a disgrace, and as it were, a blot, in an elevated style, so sublimity and splendor are inconsistent with a plain style. For they spoil it, by appearing, as it were, excrescences from a body that should be smooth.

There are some proprieties of style, which may be easily perceived, but cannot be accounted for, thus Virgil says :*

Cæso

* This is a very fine observation, and cannot fail to touch every reader of true taste, either in verse or prose. And the thing seems to be owing to the ideas, which, in certain languages, are annexed to certain words. The very example before us is an eminent proof of what I say. In English we call the male of the sow, a boar, and the Latins call it *porcus*. Now Quintilian says, that had Virgil, upon this occasion, sacrificed a boar, the image would have been ludicrous, but by killing a sow it is elegant. This happens to be the very reverse in the English tongue. For an English poet

————— *Cæsa jungebant fœdera porca.*

By making free with the word *porca*, he renders elegant a circumstance, which would have been mean had he kept the word *porco*. In some cases, the reason of this ridicule is evident. We used very often to laugh at the poet, who introduced the following line:

The boyish mice his robes embroider'd gnaw'd.*

Yet we admire Virgil when he says,

————— Oft the tiny mouse.†

For the word *tiny* is proper for the subject, which is thereby painted as diminutively as possible; and it receives additional graces by its being put in the singular number, and by the line ending by so short a word, which in the original gives it an unusual cadence. Horace observed and imitated the same beauty, when he says,

And the huge mountain bears a foolish mouse.‡

An orator, however, is not, in speaking, always to keep up the dignity of style. For sometimes he is to lower it, because the meanness of a word often gives

poet, with Virgil's judgment, would most certainly have sacrificed the boar, even though the sow had been the proper sacrifice. The reader may judge for himself.

Their faith they plighted, and they slew the boar.

In the other manner :

Their faith they plighted, and they slew the sow.

But how much more ludicrous is the image, should an English writer fall upon the word that signifies both a sow and a boar, a circumstance which Virgil thought himself happy in, for I find the word *porca* signifies both, and say :

Their faith they plighted, and they slew the pig.

I might, from English authors, multiply a vast number of quotations to justify our author's observation; but I think what is said is sufficient.

* Orig. *Prætextam in cista mures rosere camilli.* I must here acquaint my readers, that the word *camilli* contains an amphibolia; for it may either be the genitive of *camillus*, or it may be the nominative plural of *camillus*, which signifies a young boy who attended sacrifices.

† Orig. *Sæpe exignus mus.*

‡ Orig. *Nascetur ridiculus mus.*

energy to expression. When Cicero says to Piso, "When all your family, sir, was carried to you in one dung-cart;"* the last is a mean word, but does he not thereby render the man he was prosecuting the more effectually contemptible? In another place he says to him, "you oppose your skull to that of your adversary, and you fall a butting with him."† Some jokes do very well with people of the meanest capacities. Thus Cicero says of Clodius, "and, like a little master as he is, he pigged in every night with his great sister."‡ In like manner, speaking of Cneius Flavius, he says, "he picked out the eyes of those crows, the lawyers."§ In his pleading for Milo he says, "You Ruscio, you Casca, take care you don't lye." And I remember, when I was at school, such vulgarities were greatly in vogue. Nothing was more common for us, in one of our declamations, than to say, "bestow upon your father the bread that you throw to your dogs and your bitches." But this low manner, unless it is very happily hit off, is always dangerous, and often ridiculous; especially at this time, when people, with regard to words, are so ridiculously squeamish, that a great part of our language seems to be amputated.

Now, all words in a language are either proper, made, or metaphorical. Age gives dignity to the proper. For words not in common use impress an awe and a sanction upon a style, for which reason, Virgil, by his wonderful penetration avails himself of this advantage; for the obsolete || words with which he dashes his poem, gives his lines that inimitable mellowness, which is so pleasing in poetry

* Orig. Quum tibi tota cognatio in sarraco advehatur.

† Orig. Caput opponis cum eo coniscans.

‡ Orig. Pusio qui cum majore sorore cubitavit.

§ Orig. Qui cornicum oculos confixit.

|| Olli, Quia nam, &c.

as well as in painting, and which age alone can communicate. But we are to be cautious in the use of old words; nor ought we to bring them from the most remote antiquity. I will not in prose say, a propine, instead of a present, nor sooth, for truth; for all such affectation is ridiculous. Why should I say, whilk, when I can say, which? Even methinks now sounds foolish. I conjecture, is still tolerable. He raised up seed, is too solemn; and, his whole progenitorship,* is pedantic. In short, the whole of our language has undergone an alteration. Some old words, however, are more grateful through antiquity, and others are necessary to our language, and a judicious use of them has an excellent effect; but affectation by all means is to be avoided. Virgil† has left us an epigram, in which he rallies this

* [Progenitorship] I have done my best in translating this very difficult passage, to retain the sense of the instances produced by our author. Upon an attentive view, however, of my author's meaning, I cannot believe that he absolutely condemns the use of the last four expressions, but rather condemns the levity of the age, for throwing them into desuetude. The truth is, the Latin language had undergone great revolutions between the time of Cicero and Quintilian. For though we have little or nothing that is barbarous or affected in the style of Paternulus, Seneca, Tacitus, and other writers within that period, but on the contrary, as great beauties as any that are to be found in Cicero, nay, some may think greater; yet I cannot be persuaded, that the Roman noblemen or gentlemen in general, either pleaded or wrote with the same propriety. This appears by many accidental fragments, that are still extant, as well as by our author's observations.

As this translation is entirely designed for the use of English readers, it is proper I should observe that the rules he lays down are applicable to the English.

† [Virgil] I have omitted the epigram here spoken of, because the reading is so depraved that it is unintelligible; and I have likewise omitted translating great part of this chapter, because it is applicable to the Latin language only, and can be of no manner of use to an English reader.

affectation

affectation of antiquity with great humour. Even Sallust himself is reflected upon, in the following epigram :

Thou that Jugurtha's story didst compile,
And from old Cato pilfer'dst half thy style.

The truth is, this is a most ungrateful task, for it is what the very worst speakers may practise, and the worst is, that people who have this turn are so far from adapting their expressions to their subject, that they go round and round for subjects that may introduce their expressions.

The Greeks have great opportunities from the genius of their language, to coin words, and sometimes they make expressions according to sounds and affections, in the same manner as the first inventors of language gave names to things according to their several properties or appearances. But when we take this liberty, either in compounding or adopting words, we very seldom succeed in it. I remember, when I was a young man, there was a great dispute between Pomponius and Seneca, about some words compounded of verbs ; but Cicero was of opinion, that though such words at first might appear harsh, yet practice would soon reconcile them to the ear. Nay, that great orator has coined verbs out of proper names ; to sullalize,* for instance ; Asinius has done the same.†

We have many new words from the Greek, and a great many from Sergius Flavius, but they are not much relished, though I do not see for what reason, but because we are willing to condemn ourselves to a perpetual poverty of language. Meanwhile, some words make their way in our language ; for those

Or. * Orig. Sallaturit, meaning that Pompey wanted to copy after Sylla.

† Fimbriaturit, Figulaturit.

which

which are now old, once were new, and some that are now current are of a very late standing.

We are therefore sometimes to strike a bold stroke; for I cannot agree with Celsus in thinking, that an orator is not at liberty to coin a word. For, as Cicero says, some words are radical, and had their present signification from the beginning of language. Others have been formed from those radical words; and though we cannot alter the original signification of them from what was given them by our rude ancestors, yet I know no period that debarred us from the power of deriving, declining, and compounding them, in the same manner as their descendants did. Nay, supposing that we are afraid of being too hardy in coining a word, there are ways to take off the imputation of rashness by prefacing it with, *If I may so speak*; if the expression is allowed; in a manner; give me leave to make use of that expression. These precautions do service when a metaphor seems a little too bold; and indeed in that case, a speaker is not safe without them, at least they show that our judgment is not imposed upon, and that we suspect we may have gone too far.

As to metaphors, their propriety can only be determined according to the thread of a discourse. I have therefore said enough concerning single words, which, as I have observed in another place, considered of themselves, are lame and imperfect, but they never are void of ornament, unless they are below the dignity of their subject, or flatly obscene. I know there are some, who think that, naturally, there is no such thing as an indecent expression, and therefore no word ought to be avoided, and that if there is any indecency in the subject, the meaning is still conveyed to us, though we make use of circumlocutory expressions. For my own part, satisfied as I am with those forms of decency now practised

practised in my country, I am (as I said on another occasion) for vindicating her modesty by silence. But now I proceed to consider words as they stand connected with one another in sentences.

Their ornament consists in observing two capital points; first, in impressing ourselves with the idea of the eloquence we are to make use of; and secondly, in making ourselves master of its practice. Here, the first requisite is to consider, what we are to amplify, and what we are to diminish; when we are to speak with spirit, and when with calmness; whether we are to speak in a manner that is cheerful or severe, flowing or concise, sharp or gentle, sublime or minute, grave or gay? We are next to consider what kind of metaphors, figures, sentiments, management and arrangement we are to employ, in order to effect our purpose. But as I am to treat of the ornaments of style, it is proper I should first show its depravities; for the first step to excellency is to be free from blemishes.

I am therefore to premise, that no style can admit of ornament, if it is destitute of probability. Now, Cicero defines a probable style to be that which employs neither more nor fewer words than it ought. Not that he is against neatness and polishing, for that is part of the ornament of a style; but he thinks that all excesses are blemishes. He therefore requires expressions to have weight and authority, and such sentiments as are either solid in themselves, or such as are suited to the opinions and manners of mankind. These requisites being secured, he is then for giving the speaker liberty to employ all the means which he thinks can embellish his style; metaphors, heightnings, epithets, descriptions, words that are synonymous, nay, a manner in imitation of the very subject he treats of.

But,

But, as I undertake to point out the blemishes of style, let me first recommend it to avoid all indecencies of expression ; nay, to pay so much regard to general though erroneous prepossessions, as to avoid the use of a word, that originally was chaste and pure, if, in time, any obscene or loose ideas shall be annexed to it.* In like manner it is decent to avoid all conjunctions of syllables, let the subject be ever so innocent, that in the expression suggest any thing that may be mistaken or wrested into looseness ; nay, a lewd thing sometimes may be implied, even by concealing it ; for men, as Ovid says,

Are apt to love a thing because 'tis hid.

And indeed this may be the case, where both expressions and the meaning are perfectly pure and innocent. And yet I am not for carrying this delicacy too far, for if we think with Celsus, that the line in Virgil,

The agitated sea begins to swell,
conveys an indecent idea, I know no such thing as chastity in writing or speaking.

* Though this is a very proper caution, yet the nature of the Latin language makes our author insist more against it, than there is any occasion to do in this translation. He gives us in particular two examples from Sallust, which the ingenious depravity of his age was apt to construe into obscenity ; the first is, *ductare exercitum*, and *patrare bellum*. Now though the word *ductare* in Sallust's time signified no more than to conduct, yet it came in the days of our author to signify, to pimp. As to the expression, *patrare bellum*, the obscenity seems to lie only in the word *bellum*, which signifies a handsome person, as well as a war. I need not enlarge on this subject, or inform my reader, that it is impossible, as it would be immaterial, to translate the other examples our author brings on this occasion.

I cannot however finish this note without observing the excessive decency of the ancient Romans in their expressions. They banished out of their language the word *intercapedo*, because the two last syllables form a verb that has an indecent signification, but they used the word in other cases. I could from my author bring instances of other delicacies of that kind ; but I have been contented with translating his meaning in this paragraph.

Next

Next to obscenity, a meanness of expression is to be avoided; for thereby the greatness or dignity of a thing is diminished. For example: on the summit of yonder mountain there is a stony wart. Opposite to this, but equally absurd in its nature, is the manner of swelling a small matter with pompous terms, unless you design to turn them into ridicule. Upon the whole, therefore, we are not to call a paricide a roguish fellow; nor a young man who loves a girl, an atrocious ruffian; because the first term is too weak, and the latter too strong. We are, next, to guard against all dulness, sordity, dryness, whining, harshness, and vulgarity of style. All these blemishes are best discovered by their opposites, which are briskness, neatness, richness, cheerfulness, gaiety, and chastity in speaking.

We are likewise to avoid a curtailed style, by which our discourse becomes defective, and our expressions scanty. This, however, is a blemish in point of perspicuity, rather than in point of ornament. But sometimes it is a matter of prudence, only half to express a thing; and we may say the same thing of tautology, which is a repetition of the same words, and the same expressions, or sentiments. This sometimes has a bad effect, though several very great authors have not been at great pains to guard against it. Cicero, as disdaining the minuteness of criticism, often falls into it; for instance, when he says, my lords the judges, this was a judgment not only unlike a judgment—Therefore, this manner of repetition may have its beauties, and is indeed one of the figures of speech; and I shall give examples of it when I come to point out their excellencies.*

* I believe my reader will scarcely be of opinion, that the tautology our author here speaks of is quite the same with what we understand by that expression, which in English admits of no kind of apology, and seems to be a compound of the manners he mentions in this and the following paragraph.

Of a worse kind than this is a sameness of expression, which relieves us by no variety, but proceeds all upon one dead flat, and is distinguished only by being disagreeable and void of art; for the repetition and drawling of periods, figures, and composition, is not only painful to the mind, but to the ears.

We are likewise to avoid prolixity, that is, the spinning out a circumstance to a greater length than is needful; an example of which we have in Livy. The ambassadors, says he, failing in their design, returned home: they went back to the place from whence they came. But the enforcing a thing by a kind of vehemence, though very near akin to prolixity, is sometimes an excellency.

A pleonasm is likewise a blemish in style, because it loads a discourse with needless words. For example, I saw it with my eyes. I saw it, had been enough. Cicero, with great humour, corrected Hirtius, who, in declaiming against Pansa,* fell into a slip of this kind; for Hirtius mentioned a mother, who, for ten months, had carried her son in her belly; belike, said he, then, other mothers carry their sons in budgets before they bear them. A pleonasm, however, sometimes increases the energy of a narrative; as Virgil says,

These ears drew in the sound.

But all pleonasms are blemishes, when they are idle and superfluous, and convey no additional meaning.

There is likewise a fault in over-doing, by which I mean, employing superfluous pains; which is as different from the finishing of a style, as foppery † is from neatness, or superstition from religion. To say it all at once: every word, that contributes nei-

* Hirtius and Pansa studied eloquence under Cicero.

† *Utà diligenti curiosus.*

ther to sense nor ornament, may be called a blemish in a style.

Affectation is the poison of every style; for it comprehends whatever is swelling, whatever is finical, whatever is loathsome, luxurious, impertinent, and unequal in speaking. In short, affectation is an endeavour to better what is best, and always results from want of judgment, and our being imposed upon by false appearances. And, of all blemishes in eloquence, it is the most blameful. Other blemishes we avoid, but this we court: and it consists wholly in elocution.

Folly, trifling, contradiction, and over-doing, are blemishes that affect things; but the vices that corrupt a style lie in impropriety, redundancy, the difficult meaning and the jolting composure of expressions, or a boyish playing upon words of the same kind, or ambiguous meaning. But, tho' all affectation is a blemish, yet all blemishes do not lie in affectation. Because a man may speak so as quite to mistake the nature of his case; he may speak what is improper, and he may speak what is superfluous.

There are as many ways of corrupting, as there are of embellishing, a style. But of this I have treated more fully in another work; yet I shall not forbear to touch frequently upon it in this. For I shall take all occasions to do it, when, speaking of the ornaments of style, I shall be led to point out its blemishes, and the resemblance they bear to its beauties. Now, the beauties of style are disfigured by an improper disposition of a discourse, by an ignorant or injudicious use of figures, and by a harshness of periods. But I have already treated of disposition, and I shall have an opportunity to speak of figures and composition. There is, amongst the Greeks, a blemish, which consists in a writer's confounding their different dialects; for instance, the
Doric

Doric with the Attic, and the Ionian with the Æolic. We are liable to a like confusion, if we mingle lofty expressions with mean ones, antiquated with modern words, and the flights of poetry with the creepings of prose. Such a medley would produce a monster like that of Horace, mentioned in the first line of his art of poetry.

Should on a horse's neck, a painter place

The form and features of a human face.

The ornaments of style raise it above the character of either perspicuity or probability. The first step towards it is, a vigorous conception; next is, a proper expression; and this leads to a third, which consists in the embellishment of both, and is what we properly term ornament. As the force of colouring (which I have taken notice of in the rules I have laid down concerning the narrative), is of more efficacy than a bare delineation; or, as some express it, as representation excels perspicuity; the former realizing, the latter only describing, the object; I, therefore, reckon representation among the ornaments of style. There is a great beauty in describing a thing in so lively a manner, as to make us think, we actually see it. For eloquence does not exert all her powers, or assert her dominion to the full, if she informs us through the ears only, by giving the judge a bare narrative of the matter that is to be tried, without drawing and colouring it, so as to strike the mental eye. But, as this excellency is effected in various manners, which some through ostentation affect to multiply, I shall not descend into every minuteness, but only touch upon the most capital beauties.

The first is, placing the object in our full view by a happy touch of the pen. Thus Virgil, describing the two champions, says,

Each stood erect, impending o'er his foe,
Quick or to aim, or ward, the fatal blow—
with

with all that follows. and which gives us as lively a representation of the boxing-match, as if we really were spectators of it. This manner of painting was one of the many excellences that Cicero possessed as an orator. Can any imagination be so cold as not to see Verres in the following description? "Upon the shore, stood the Roman prætor, dressed in rich buskins, a purple cloak, thrown cross his shoulders, above a flowing robe that swept the ground, leaning on, and toying with, an ordinary little wench." Here we have not only a description of his look, situation, and dress, but our imagination figures to itself several circumstances that are suppressed. For my own part, from the whole of the description, I think I see the glances, the looks, and the indecent dalliances of this scandalous pair, with the silent detestation and fearful bashfulness of their attendants.

Sometimes a variety of circumstances enter into the picture we want to exhibit. Thus, the same great orator, who, of himself, furnishes us with every species of ornament that can enter into a style, in describing a debauch, says, "I think I still see some crowding in, others crowding out, some staggering under what they had drank to-day, others, yawning from what they drank the day before, while the principal figure of the group was Gallius, daubed in ointments and decked with garlands: here lies a heap of faded flowers, there a pile of fishes' bones, and all the ground besmeared with filth, and bemired with wine."* Could we see more, had we been present at the debauch?

* The examples here brought by our author are certainly very picturesque; but the piece of Cicero, from which this is quoted, is now lost. It may be proper to inform the reader, that the Romans in their great entertainments wore garlands of flowers upon their heads, and that fishes formed the most considerable part of their repasts,

In like manner, we can increase compassion, supposing, for instance, we are speaking of a town being taken; when we say that it was stormed, we doubtless comprehend all the miseries that attend such an event; but then the narrative is too quick to leave a due impression upon our minds. But if we unfold the various particulars, which that word implies, then we behold "houses and temples wrapt in flames; we hear the crash of roofs falling in, and one general uproar proceeding from a thousand different voices; we see some flying they know not whither, others hanging over the last embraces of their families and friends; we see mothers agonizing over their frightened infants, and old men, in the bitterness of heart, cursing themselves for being reserved to so dismal an hour. Athwart this scene we see houses plundered and temples rifled, soldiers carrying off the booty, and returning for more; each driving before him a band of captive citizens in chains; the mother tearing from the ruffian's grasp her helpless babe; and the victors cutting one another's throats wherever the plunder is most inviting." All these particulars, it is true, are implied, when we say, "a town is stormed;" but there is a great deal of difference between the mention of the whole that happened, and of all that happened.* Now, we bring a representation near to reality, by painting circumstances that are likely to have happened, and generally happen upon such occasions, though perhaps they did not upon that.

A representation is greatly animated by throwing in accidental circumstances, as Virgil says,

Through all my blood a chilly horror came.
My joints refus'd to prop my tott'ring frame.
Or in the following beautiful image;
The mother prest,
In pale dismay, her infant to her breast.

* Orig. Minus est tamen totum dicere quam omnia.

Now in my opinion, it is very easy to acquire this capital perfection. For we need but set nature before our eyes, and copy after her. All eloquence is employed upon what is transacted in life. Every one judges of what he hears, by what he feels; and the mind receives the deepest impression from the circumstances with which it is best acquainted.

Similes contribute greatly to enliven a description. Now there are two sorts; those that are assumed to illustrate or strengthen an argument, and those that are introduced the better to express an object; and it is of the latter kind I now treat. For example, Virgil says:

Like wolves, that prowling, in the dusk, for prey.
And in another place,

Thus water-fowl, in search for scaly food,

Now soar, now skim the surface of the flood.

But here we are, above all things, to observe, never to bring by way of simile any object, or any subject that is either dark or unknown; for every thing that is intended to illustrate another thing, ought to be more clear than the thing that is illustrated. Therefore we indulge poets in similes like the following, which Virgil makes use of;

Like fair Apollo, when he leaves the frost

Of wintry Xanthus, and the Lycian coast:

When to his native Delos he resorts,

Ordains the dances, and renews the sports.

DRYDEN.

But an orator is not to be indulged in this practice of illustrating a visible object by one that is invisible.

But the kind of similes which I mentioned, when I treated of arguments, renders a style sublime, florid, agreeable, and surprizing. For the farther-fetched they are, they are the more unusual and striking, because unexpected. The following similies are common, but at the same time they are of that kind that are fitted

itted to persuade. "As culture renders the ground, so learning renders the mind, more rich and fertile." As surgeons cut off limbs that are gangrening, so we ought to cut off from society the vile, the degenerate, and the wicked, even, tho' they form part of our own flesh and blood." In Cicero's oration for Archias, here is a more sublime passage. "Rocks and deserts are respondent to the voice, music has charms to sooth and tame the horrid savage; and shall we, with all the advantages of excellent education, be deaf to the voice of the bard?" But this sublime kind has been greatly abused by the licentiousness of our declaimers. For very often their similies are false, and are not applicable to the objects which they are introduced to resemble. I remember two, when I was a young man, that were vast in vogue, though with no great reason; "the greatest rivers are navigable at their sources. A good tree is no sooner planted than it bears fruit."

Now, in all comparisons, the simile either goes before, and the subject follows, or the subject goes before, and the simile follows. Sometimes it is free and detached. But far the best way is to connect it so with the thing, or your subject, as that they may reflect a likeness on each other, and seem as counterparts. In the passage about the wolves, which I gave from Virgil, the simile goes before; but in the first georgic, where he bemoans the long continuance of the civil and foreign war, the simile follows.

Thus the fleet coursers on the listed plain
Burst from the post, and o'er the level strain;
In vain the driver checks them as they run,
And sees the dangers that he cannot shun.

But there is here no mutual resemblance, the effect of which is to set before our eyes both the subject and the simile, and to show both at once in such a light as that they illustrate each other. We have
many

many noble examples of this kind in Virgil, but they are not proper to be used in oratory. Cicero, in his pleading for Murena, says, "As we say of Grecian players, that an indifferent harper may make an excellent piper; thus we see some people, who cannot turn out speakers, fall into the profession of lawyers." In the same pleading he approaches nearer poetry, but all the while he preserves a mutual resemblance, which gives it a beautiful propriety. "For though certain constellations sometimes occasion tempest, yet they often happen suddenly, without any visible reason, and from some unaccountable cause. Thus it happens in the tempests of popular elections; you often understand the motive by which they rise; but sometimes they are so obscure, that it seems to be owing to chance." Similies consist but of a word or two; for instance, "They wandered through the woods like wild beasts." And Cicero says of Clodius, "That he escaped from a certain trial, like a man who escapes out of a house that is on fire, naked." Daily observation furnishes us with many similies of this kind.

There is great beauty when a thing is painted to our eyes, not only in doing it in a lively, but in a quick, pithy, manner. That conciseness, that leaves nothing unsaid, has wonderful beauties, greater than that which expresses only what is necessary, and it forms a figure of speech. But the most beautiful manner of all is, when a great deal is comprehended in a few words; thus Sallust, speaking of Mithridates, has a stroke of this kind.* A brevity, however, of this nature generally leads the unskilful imitator into obscurity.

* Orig. Mithridates corpore ingenii perinde armatus. This is from a work of Sallust that has not come to our hands. And I am of opinion with the Abbe Gedoyn, that it is not to be translated. The meaning of it seems to be, that Mithridates, being a very large man, without armour, must, when armed, have been a stupendous figure.

Of kin to this beautiful brevity, but of greater excellency, is the emphasis, because it conveys more meaning than the words express. Of this there are two sorts, one which implies more than it expresses, and the other which signifies that which it does not express. An example of the former kind is in Homer, who makes Menelaus say, "That a whole army sat within the belly of the horse." Thereby, in one word expressing the largeness of that wooden machine. Virgil likewise says,

"And thence descending by a rope they came.
An expression which sufficiently indicates its height. In like manner, Virgil mentioning the Cyclops, says, "that he lay along all the cave," thereby implying the vast space of ground which his body covered.

The second sort of the emphasis is, where a word is either entirely suppressed, or suddenly cut short. A word is suppressed in the following passage of Cicero's pleading for Ligarius, "Were not thy own, I say, thy own clemency, I know what I speak, as extensive as thy fortune, every success that attends thee would but swell the sorrows of the afflicted." Here he suppresses that which we very well understand, that there were not wanting many, who were ready to prompt Cæsar to cruelty. We retrench words by another figure, which I shall take notice of in its proper place. Even some common expressions admit of an emphasis; for example, "You must show yourself a man. He is a man. Now we begin to live." So great is the conformity between art and nature.

Eloquence is not contented with explaining what she says; for many and various are her methods of polishing a style. The most plain and unaffected has in it an elegant simplicity, such as we are charmed with in a woman. And that which excels in the propriety and significance of expressions, carries with it a prettiness, such as arises from an at-

tention to propriety and neatness in lesser matters. One style is rich and noble, another smiling and florid, and all have their different powers, according to the degrees of perfection they attain to. The greatest power, however, consists in exaggerating an indignity, and in an elevation of style upon other occasions; in a richness of fancy; in the freedom of expression; by pushing all our sentiments and arguments full home, with so repeated an earnestness, that we produce a superabundance of proof. And (which is pretty much of the same nature) an energy; the property of which is to make every word we speak be felt, as well as understood. There is likewise a bitter manner, which is almost affrontive; for example, when Cassius said, "How will you behave when I shall attack your property? That is, when I shall give you reason to believe, that you are but a novice in railing." There is likewise a sharp manner; as when Crassus said to Philippus, "Shall I treat you as a consul, when you do not treat me as a senator?"

The utmost efforts of eloquence, however, consist in exaggerating or alleviating, both which admit of the same rules, the principal of which I shall touch upon, which will be sufficient for the comprehension of the others. Now, the whole of them consists in things and words. As to the invention and disposition of the former, I have already treated of them. I therefore proceed to consider the exaggerating and alleviating properties of elocution.

CHAP. IV.

CONCERNING EXAGGERATION OR AMPLIFICATION AND DIMINUTION OR ALLEVIATION.

THE first kind of exaggeration depends upon the nature of the terms we use. For example, "If a man is wounded, we say he is murdered. If a fellow is importunate, we call him a highwayman." Contrariwise, we call a severe drubbing, "a little brush, and a wound a scratch." We have an example of both manners in Cicero's pleading for Cælius, speaking of Clodia. "If she is wanton in widowhood, says he, insolent in airs, profuse in wealth, and if her lusts should lead her into a keeping expence, can I think a man an adulterer, who shall make some free addresses to such a lady?" Here he exaggerates the lady's failings in point of chastity, and softens the long criminal conversation his client had with her, into the terms of, some free addresses.

But this manner is greatly improved and heightened by our opposing exaggerating terms, to the real terms, which we want to enforce. What I mean will be best comprehended by the following passage of Cicero's pleading against Verres. "Whom, my lords, have we brought before the bar of your justice? Not a thief, but a plunderer; not an adulterer, but the avowed enemy of all chastity; not one guilty of sacrilege, but a prophaner and pillager of whatever is sacred or religious; not a murderer, but the inhuman butcher of your countrymen and allies." The former manner multiplies circumstances, but his manner renders offences, that are very atrocious in themselves, still more atrocious.

Aggravation

Aggravation or amplification, however, is effected by four kinds of management; by heightening, by comparing, by reasoning, and by accumulating. That of heightening has the greatest effect, when it raises things, that are of themselves but indifferent, into momentous appearances. Now this is done either all at once, or gradually; and we are thereby raised not only to the summit, but sometimes, as it were, even above the summit of the subject. One example from Cicero will illustrate my meaning: "To bind a Roman citizen is a misdemeanor; to strike him is a crime; to kill him is next to parricide; but to crucify him is—What?" Now, had he, the citizen, been only beat or whipt, Cicero would have exaggerated, by one degree, the guilt of Verres, in making another degree inferior to it; had he been barely killed, the guilt was exaggerated in more degrees; but when he said, that to kill him is next to parricide, though he could express nothing more criminal, yet still he continues to rise; to crucify him, says he, is—What? Thus, though he comes to the height of expression, he is carried even beyond that, by not having words that can go farther.

There is another method of being carried beyond the summit. Thus Virgil says of Lausus,

—No lovelier youth that trod the ground,

Except Laurentian Turnus, could be found.

Here he adds something to perfection itself, which he had expressed; when he said, that no youth was more lovely. There is a third manner of exaggerating, which does not proceed by way of climax, or by steps, because the crime is not only excessive, but such as cannot be exceeded. "You have killed your mother. Am I to aggravate that charge? You have killed your mother." For it is a very good method of aggravation, when we carry the charge so far, that we plainly see, it admits of no aggravation.

There

There is a less sensible, though perhaps not a less effectual, climax, when we pour forth, without distinction or pause, somewhat more severe than what goes immediately before. Thus, when Cicero is describing Antony vomiting in public, he says, "But in a full assembly of the Roman people, vested with a public character, the general of the horse." Here, every word proceeds by a climax. To vomit, is scandalous in itself, though not in an assembly, though not in an assembly of the people, though not in an assembly of the Roman people; though the person had had no character, though he had had no public character, though he had not been general of the horse. An orator of less genius would have divided these characters, and dwelt upon each of them. But nothing can retard the career of Cicero; he does not climb, but spring to the summit.

But as this amplification proceeds from less to greater, so that, which is effected by comparison, owes its powers to the exaggeration of meaner circumstances. For, by magnifying an inferior object, we necessarily increase the bulk of every object that is superior to it. Thus, in the very passage I last quoted, Cicero says, "Had you done this in the time of supper, amidst your extravagant debauch of drinking, who would not have thought it scandalous? But in a full assembly of the Roman people." And in his invective against Catiline, "By heavens, says ye, if my slave should have an equal horror for me, as every countryman you have has for you, I should think it proper to abandon my own house: Shall you then presume to remain in this city?"

Sometimes an example, being proposed by way of simile, serves to exaggerate, and to amplify the matter we are handling. The same great orator, for instance, pleading for Cluentius, mentions a Milesian woman, who had taken money from the heirs
in

in reversion, to procure herself an abortion. "How much more, says he, does Oppiniacus deserve to be punished for the same crime; for that woman, by the violence she did to her own body, put herself to torture; but he tortures and excruciates the body of another person." Nor is it to be thought that the present observation is the same with that I laid down in treating of arguments, when I spoke of a greater being collected from a smaller. The two passages indeed resemble one another, but there I spoke of proofs, and here I speak of amplification. Thus, in the case of Oppiniacus, the comparison that is brought is not to prove that he had committed a crime, but to exaggerate what he had committed.

There may, however, be a resemblance between things, though they are quite different. I will therefore repeat an example I have already used, though it did not apply it to the same purpose; for I am now to show that we may exaggerate, not only by comparing a whole with a whole, but parts with parts. Thus Cicero, in his first invective against Catiline, says, "Could the noble Scipio, when sovereign Pontiff, as a private Roman, kill Tiberius Gracchus for a slight encroachment upon the rights of his country; and shall we, ye consuls, with persevering patience, bear with Catiline, whose ambition is to desolate a devoted world with fire and sword." Here the comparison runs between Catiline and Gracchus, between the state of the public and that of the world; between a slight encroachment, and desolation by fire and sword; between a private man, and the consuls of Rome. All which will furnish plenty of matter to any one who will be at pains to examine them closely.

I have mentioned a method of amplifying, by reduction of reasoning; let me here consider the propriety of that term, though in that respect I am not

less solicitous, provided those who are willing to be instructed understand my meaning. Now this method of amplifying has its place in one part, and its effect in another; for one circumstance is exaggerated; another is heightened, and thereby we are rationally led to the amplification we intend. When Cicero charges Antony with his debauch and his vomiting in public, "Such a load of wine, says he, did you pour down that throat into these sides, and so thoroughly did you soak all that prize-fighting person of your's." Here the mention of the throat and the sides greatly exaggerates the charge of drinking, because it gives us an idea of the quantity of wine which Antony drank at the marriage of Hippias; and which was so great, that even his prize-fighting person could not carry and digest it. Now, where one circumstance is inferred from another, that inference may properly be termed an induction by reasoning, and I have accordingly ranked a state of causes under the same term.

In like manner, an exaggeration may be effected by consequences. For, in the last-mentioned example, the gushing of the wine from Antony's body did not proceed from accident, or design, but necessity, which forced him to vomit in so public a place, and in so indecent a manner, whereby he threw up the indigested morsels of what he had swallowed the day before; a circumstance that sometimes happens after a debauch.

Exaggeration is sometimes effected by what is premised; thus, Virgil says, after the answer of Æolus to Juno's request;

He said, and hurl'd against the mountain side
His quiv'ring spear, and all the god apply'd.
The raging winds rush thro' the hollow wound,
And dance aloft in air, and skim along the ground.

DRYDEN.

Here,

Here, what is premised gives us a clear idea of the tempest that was to follow. Sometimes, after representing crimes in the most dreadful colours, we affect to extenuate them, in order to exaggerate what is to follow. "Such wickedness," says Cicero against Verres, "is but trifling in such a criminal. A ship-master, the native of a noble state, ransomed himself by a sum of money from the whipping-post. This in Verres was compassionate. Another gave a sum to save his head from being cut off. This was customary." Here the orator uses an induction by reasoning, to give the hearers an idea of the superior atrocity of those circumstances, compared to which, these he mentions, are compassionate and customary.

In like manner, one thing may be heightened by heightening another. Thus, by heightening the warlike character of Hannibal, we magnify that of Scipio. And by raising the courage of the Gauls and Germans, we heighten the glory of Julius Cæsar. There is likewise a method of amplifying, by way of reference; when a thing is said without having any direct relation to the matter in question; for example, "Priam's counsellors thought it was no wonder that the Greeks and Trojans endured so many calamities, and for such a length of time, for so beautiful a creature as Helen was." From this we infer, what transcendent charms she must have been possess of. For this reflection does not come from Paris, who had carried her off, nor from a youthful lover, nor from a vulgar person, but from the aged, the wise noblemen of Troy sitting in council with Priam. Nay, that prince himself, though exhausted by a ten years war, in which he had lost so many of his sons, and though he was then upon the point of ruin, is so far from hating and detesting a beauty that had been the source of such calamities, that he hears her commended.

mended, he calls her his daughter, he places her by his person, he excuses her, and even says, that his calamities did not arise from her. We have a like example by way of inference, in the symposium of Plato, to illustrate the continence of Socrates*. The circumstances of the arms and weapons of heroes give us an idea of their prodigious bulk and strength. The seven-fold shield of Ajax, for instance; and the Pelian spear of Achilles. We have a fine example of this kind in Virgil, where he says, that the Cyclops made use of a mountain pine as a walking-staff; how immense then must his bulk have been! And when he mentions a helmet that two men could scarce support upon their shoulders, what an idea does it raise of its owner, before whom the trembling Trojans fled! Can we have a higher idea of Antony's luxury than we have from Cicero, in the following sentence: "You might have seen the purple quilts of Pompey bedecking the couches of slaves in their bed-rooms." One should think, nothing could exceed the indignant ideas raised by the mention of purple quilts, of the great Pompey, and the bed-chambers of slaves, and yet our indignation is still higher raised, when we reflect that these were but slaves: then what must the luxury of the master have been? This manner somewhat resembles the emphasis; only in the emphasis our ideas are affected by a word, and here by an object; and consequently the latter is as much more powerful, as things are more powerful than words.

Exaggeration or amplification may likewise be affected by stringing together words and sentiments of the same importance. For though they do not proceed by way of climax, yet they have strength by

* I have not thought proper to translate this example, because I think it is both a little fanciful, and improper.

their

their being accumulated. Says Cicero, in his pleading for Ligarius, "What did thy armour imply? Thy spirit? Thy eyes? Thy hands? Thy forward zeal? What didst thou wish? What didst thou want?" Here is, we see, an accumulation of various circumstances. But we may exaggerate by multiplying one personal circumstance into many. This manner rises higher and higher, through every expression we make use of; for example, "Near him stood the jailor of the prison, the butcher employed by the Prætor, the murderer of our Allies, and the terror of Romans, I mean, the Lictor Sextius."

Circumstances are diminished in the same manner; for the anticlimax contains as many degrees of descent, as the climax does of ascent. I shall therefore bring only one example of it, from Cicero, where mentioning the oration of Rullus, he does it in these terms; "And yet a few, who stood nearest him, fancied that he intended to say somewhat, I do not know what, about the Agrarian law." If we apply this example, to Rullus being heard by those who were near him, it comes by way of diminution. If it denotes the obscurity of his harangue, it comes by way of exaggeration.

Some, I am sensible, think that the hyperbole is a manner of exaggerating, because it may be made use of both in the climax, and in the anticlimax. But, as the very term of hyperbole implies an excess, I shall treat of it amongst the tropes; to which I would immediately proceed, did they not compose a manner of speaking that consists not in proper, but metaphorical, expressions. Therefore, I shall so far conform myself to the general taste, as not to omit that manner which some think to be the principal, nay, almost the only embellishment of style.

CHAP. V.

CONCERNING SENTIMENTS.

OUR forefathers termed all the conceptions of the mind, sentiments. Orators often make use of the word in that sense, and we have some remains of the same in daily usage. For we swear, and compliment, according to the sentiments of our mind. But, originally, they made use of the word thought for the same purpose; for the word senses, in those days, was only applicable to the body. But this practice is altered; for we term the conception of the mind our sense, and our brightest thoughts (especially those that are finely turned) our sentiments. This manner, formerly, was not much minded, but now it prevails to excess. I, therefore, think proper to point out its different manners, and to say somewhat concerning the application of them.

Our forefathers appropriated the term of sentiments to what the Greeks call rules; and indeed they considered them both, in some measure, as containing moral maxims or directions. Now, I define this term to contain some matter that is laudable, though independent of the subject we treat of. But sometimes, it may be applicable to the subject only; for example, the following is an independent sentiment; Nothing is so popular as affability; sometimes to a person, such as the sentiment of Aser Domitius. The prince, who wants to see every thing, must wink at a great deal.*

* The quirk I have made use of in translating this sentiment, arises from a gingle in the original, the true reading of which seems to be, Princeps, qui vult omnia nocere, necesse habet multa ignoscere.

Without entering into needless distinctions and definitions, a sentiment sometimes is simple, as the first example I have mentioned. Sometimes it is connected with the reason, as in the following example; "In all contests, the most powerful seem to be the aggressor, even though he has received the wrong: and the reason is, because he is the strongest." A sentiment sometimes is double; "obsequiousness procures us friends, but plain dealing enemies." In short, sentiments admit of all figures of speech. Sometimes they distinguish; for example, "Death is not a woe, but the approaches to it are woeful." Sometimes they are affirmative; "The covetous man has as little use of what he has as of what he has not." But by the help of a figure they make the greater impression; for example, "Death so great a woe?" makes a greater impression than if we were to say, "Death is no woe." Sometimes we make a general sentiment personal; "It is easy to hurt, but difficult to serve, a person," is a general sentiment; but it becomes more forcible, when Ovid introduces it in the person of Medea, saying, "What is it in my power to preserve, and can you doubt that it is in my power to destroy?" Cicero likewise renders the same sentiment personal. In pleading for Ligarius he says to Cæsar, "In your fortune there is nothing more exalted than that you have the power, in your nature there is nothing more amiable than that you have the inclination, to preserve numbers." Here he turns a general proposition into a personal compliment.

But with regard to sentiments, we ought to guard against using them too frequently, and using such as are palpably false, which is frequently practised by those who have a standing set of sentiments which they use upon all occasions, and advance with a peremptory air whatever they think can serve the

cause. We ought likewise to take care not to prostitute our sentiments, and to consult our own abilities and character. For the sentimental manner of speaking is most becoming those whose personal authority gives weight to what they say. Nobody could bear with a boy, a stripling, or a scoundrel, who should deliver his sentiments in a magisterial, dogmatical manner.

The enthymema is a species of sentiment. Now, the enthymema denotes any conception of the mind. But it properly is applied to a sentiment arising from an opposition to another object, in comparison of which it is eminent: as Homer amongst poets, and Rome amongst cities. But I discussed this matter in treating of arguments. The enthymema, however, is sometimes introduced rather for embellishment than proof. Thus Cicero says to Cæsar, "Shall then, O Cæsar! they who are the monuments of your unpunishing clemency, by their language, exasperate you into cruelty?" Now, Cicero does not bring this as a fresh argument, but to crown what he had elsewhere observed concerning the injustice of such a conduct; and he introduces it at the end of the period, not by way of proof, but as a finishing kind of insult upon his antagonist. This manner is called an epiphonema, and is introduced by way of a final exclamation, after a thing has been narrated and proved. We have an instance of this kind in Virgil:

It call'd for all the toil of lab'ring fate;
Of such importance was the Roman state!

And in Cicero's pleading for Milo, speaking of the Marian soldier, he says, "The virtuous youth chose to avoid, at the hazard of his life, what he could not suffer without the violation of his honour."

The

The word understanding may be indifferently applied to all operations of the intellects. But when we say that a thing is understood, we suppose it to be suppressed. Thus a fellow, whose sister had several times redeemed him from the profession of prize-fighting, sued her, upon the statute of Talio, for cutting off his thumb, while he was asleep. "It is true," said she to him, "you deserve that your hand should be unmaimed," giving him and the court to understand, that he deserved to be a prize-fighter as long as he lived.

There is such a thing as a point, by which, if we mean the quick close of a period, it may be very proper, and sometimes necessary. Thus Cicero says, in his pleading for Ligarius, "You are therefore under a necessity of confessing yourself guilty, before you can impeach the conduct of Ligarius." Some however do not mean this, but require that every topic, and every period, should end with some point that strikes the ear. Such gentlemen think it a scandal, nay, almost a prophanation, for an orator ever to recover his breath, but to give an opportunity for applause. This leads them to hunt for petty, false, glittering points of wit, that are quite foreign to the matter. For it would be impossible for them to introduce into a discourse so many true sentiments as they do gingling periods.

Of all those thoughts, the most pleasing is that which is most unexpected. Thus, when a man walked up and down the forum in armour, pretending that he was afraid of his person, says Vibius Crispus to him, Who gave you permission, sir, to be afraid at that rate? And Africanus paid a remarkable compliment to Nero, upon his mother's death; your Gallic provinces, great sir, beseech you to bear your good fortune with firmness. Some thoughts, that seem to rise from one thing, are applicable

plicable to another. Thus, when Afer Domitius pleaded for Cloantilla, whom Claudius afterwards pardoned for having buried her husband, who had been one of the rebels, he addresses himself in the end of his speech to her sons, Young gentlemen, says he, be ye sure to bury your mother. A thought sometimes is transferred from one topic to another. Thus, Crispus, pleading in the cause of a courtesan, whose lover, who had left her a large legacy, died when he was but two and twenty years of age, "What a provident young fellow he was, said he, to make so good a use of so short a life*!" The point of a sentiment lies sometimes in the repetition of a word; thus, in the rescript which Seneca drew up for Nero, on occasion of his mother's death, and which was sent to the Senate, when he hints that he thought himself in danger, Nero says, That I am in safety, neither do I believe, neither do I rejoice. This manner has a better effect, when it contains an opposition; Alas! says Cicero to Atticus, I know the man I ought to fly, but not the man I ought to follow. The wretch could not speak, says another writer, nor could he be silent. But the finest manner is that which is marked by some comparison; thus, Trachallus, pleading against the courtesan I have already mentioned, said, Ye laws! Ye faithful guardians of female honour! do you award to a man's wife the tenth, and to his whore the fourth, of his estate?

But all these manners may readily lead us into false, as well as true, wit. A play upon words is foolish. Fathers Conscript, said an advocate who was pleading for a father against a son, (for I begin with that word to put you in mind of what is due

* Though both the reading and the wit of these two last examples are pretty obscure, yet I durst not venture with the Abbé Gedoyne, to omit translating them.

to fathers.) There is perhaps a more execrable kind of this wit, when equivocal words are connected with false ideas of things. When I was a young man, I remember a famous pleader, who gave to a mother a few bones that had been picked out of a wound her son had received upon his head, merely for the sake of the following miserable clench ; Most unhappy woman ! you have not yet attended your son to his funeral pile, and yet you have collected his bones.

Some take pleasure in little quirks, which at first promise some humour, but, upon reflection, deserve only contempt. Thus, in a declamation at school upon a man, who, after being ruined by bad crops, suffered shipwreck, said a declaimer, The man who is rejected both by land and by sea, ought to hang. Of kin to this kind, is what the father said to the son, in the example I formerly mentioned, when he gave him poison, as he was biting his limbs, He who eats this, ought to drink this. Said one to a rake, who was deliberating whether he should hang or poison himself, The rope will hurt your throat, and a professed debauchée ought to die by drinking. Some clenches are still more puerile ; thus, a declaimer persuading Alexander's captains to bury him under the ruins of Babylon, by setting it on fire at the same time ; Then, says he, every one may from his own window enjoy the sight of Alexander's monument. As if this had been the most melancholy circumstance in the whole affair. Sometimes we are apt to overdo ; thus, I have heard a man, in describing a German, say, As to his head, it stood I know not where. And describe a brave man by saying, His buckler repelled the whole war. But there would be no end, were I to instance all the absurdities of this kind, that are now so much in vogue.

vogue. I shall therefore proceed to matters of more importance.

Learned men are divided in their opinions upon the use of pointed sentiments. Some think, that eloquence is made up of nothing else, while others entirely condemn them. For my own part, I am fond of neither opinion. When they are too thick planted, they choke each other; in the same manner as we see corn and seeds, when they are too thick sown, never rise to full maturity for want of room. In like manner, it is a happy disposition of lights and shades that gives a picture a beautiful relief. Painters, therefore, when they design several figures in the same piece, take care to proportion the distances so, as that the shades may not fall too directly upon the objects. When we do not observe this manner of speaking, we are perpetually mincing and clipping the thread of our discourse. For every sentimental point brings us to a full stop; and then we are to begin anew. This disjoins the whole structure of the style, for not being composed of members, but of scraps and pieces, it has neither strength nor symmetry. Here is a square, there a sphere; the one can give the other no support; the whole, therefore, becomes an unconnected mass.

Add to this, let the colouring or complexion of such eloquence be ever so bright in general, yet it must be patched, and every patch is a blemish. A purple border, when properly disposed upon a robe, gives it an air of dignity; but were a robe to be laid over with borders of various colours, it would be ridiculous. Let, therefore, such points play and sparkle ever so brightly, yet I cannot compare their brightness to that of the flame, but to that of sparks mounting, glittering, and vanishing amidst clouds of smok. Were the whole of the pleading illuminated with eloquence, they would no more be even

visible, than the stars are at noon-day, when the sun is shining. The eloquence that is perpetually attempting to rise by hops and bounds, is always unequal and rugged: it has neither the charms of sublimity, nor the elegance of simplicity. It labours under another mischief; for while we hunt for nothing but points, we must make use of a great many that are trifling, dull, and impertinent; besides, their number is so great as to shew that they are not picked. Sometimes, therefore, you see a division have the air of a sentiment, and an argument become sentimental only by throwing it into the close of a period. Though an adulterer yourself, you have murdered your wife. Had you only put her away, I should have prosecuted you. Here is a division: now follows an argument. Am I to prove that the love potion was poisonous? The man had still been alive had he not drank it. In general, though such speakers deliver very few real sentiments, yet they speak every thing with a sentimental air and manner.

Opposed to this is another class of speakers, who avoid all pointed periods, as productive of false pleasure, and approve of nothing but what is flat, mean, and spiritless. Thus, for fear of falling, they are always creeping. Give me leave to ask such gentlemen, what harm is there in a well-timed, and a well-turned, sentiment? May it not be of service to a cause? May it not affect the judge? May it not recommend the pleader? But, answer they, there is a sentimental manner, which the ancients were strangers to. But to what part of antiquity do you refer? Go as far back as Demosthenes, he gave eloquence beauties unknown before his time. And if you think, that the manner of a Cato, or a Gracchus, ought not to be altered, do you not condemn Cicero? But Cato and Gracchus found eloquence plain, and left her adorned; for my own part, I consider

consider an enlightened style to be, as it were, the eye-sight of eloquence; but I am not for having eyes through the whole body, lest its other members should lose their functions; nay, were I to take my choice, I should prefer the antient uncouthness to the modern affectation. But a middle way is open; as in dress and living, there is a neatness and elegance which is so far from being blameable, that it is beautiful, and ought, to the best of our power, to be engrafted upon the virtues of our ancestors. Our first care, however, ought to be to get rid of every false manner, lest, while we pretend to improve upon, we only differ from, the antients.

I now come to treat of tropes, which, as I observed before, come next in order, and which our best authors call *removes*, or *motions*. Grammarians use to lay down rules for them too. But while I was speaking of the business of a grammarian, I did not think proper to discuss this subject; but referred it till now that I am treating of a much higher subject, I mean, the embellishments of eloquence.

CHAP. VI.

CONCERNING TROPES.

A **TROPE** is an advantageous removal of a word or discourse from its original, to another signification. Various and endless have the disputes been amongst grammarians and philosophers concerning their kinds, their species, their number, and subdivisions. For my part, omitting all cavils, as being foreign to the education of an orator, I shall treat only of such tropes as are most necessary and most usual. And here it is sufficient to remark, that some Tropes are employed for signification, others for ornament; some lie in *proper**,

* The Roman was victorious, instead of the Romans were victorious. *LIVY.*

and

and others in borrowed expressions, and that not only the forms of words but of an entire period, nay, of a whole composition, are liable to change and alteration. Therefore they are mistaken, who think there is no trope, but where one word stands for another. Meanwhile I am sensible, that the most significant tropes are always the most beautiful. But the reverse of this does not hold, for some are calculated for ornament alone.

I shall therefore begin with what the Greeks call a metaphor, which is no other than the borrowing of a sense ; and is the most usual, as well as by far the most beautiful, species of tropes. So natural is it for a man to talk metaphorically, that the most ignorant and inattentive people frequently do it, without being sensible they are doing it ; nay, they make use of metaphors so beautiful and bright, that they are distinguishable, by their own radiance, in the most illuminated discourse. For, provided a metaphor is properly managed, it can have nothing about it that is vulgar, mean, or disagreeable. Metaphors likewise enrich a language, by the changings and borrowings it introduces. Nay, they have the almost incredible power of giving a name to every thing that exists.

Now, a name, or a word, is removed from its original signification into another signification, in order to express somewhat that cannot be expressed by any original term of its own ; or, by such removal, to better the original term. This practice we go into, either because it is necessary, or because thereby we heighten either the force or the beauty of our style. But, where none of these reasons are found, none of these ends are answered. Necessity teaches the countryman to say, the gemm of a vine ; because he knew no other single word, by which he could express its young, swelling buds. He likewise tells you, the fields are thirsty, and the corns are sickly.

Necessity compels us to transfer the epithets harsh and rough, to a man; for there is no original epithet expressive of such affections. We say, for the more significancy, that a man is kindled into a passion; that he burns with lust; that he has fallen into a mistake: for we cannot express the circumstances in their proper, better than we do in their borrowed, terms. Some metaphors are merely for ornament. Thus we say, an enlightened discourse; an illustrious race; the storms of the vulgar; and the streams of eloquence. In one passage Cicero calls Clodius the fountain that supplied Milo's glory; and, in another place, the source and ripener of his renown. Sometimes, a metaphor is called in, that a thing may be expressed with the more decency. Of this we have a fine example in Virgil's *Georgics*.*

Upon the whole, a metaphor is shorter than a simile. A simile introduces a comparison to a thing we want to express; a metaphor stands for the very thing itself. When I say that a man acted like a lion, I speak comparatively; but when I say a man is a lion, I speak metaphorically.

All metaphors are of four kinds; first, as they relate to living creatures, when one is placed for another. For example:

He piloted his horse with mighty force.
And Livy tells us, that Cato used to bark at Scipio. Next, when one inanimate thing is put for another of the same nature; for example: "He gives his fleet the reins." A third kind is when we substitute inanimate for animated agents; as when it is asked, "Was the Greek valour daunted by steel or fate?" Lastly, agency may be applied to passive objects; for example:

* Orig. Hoc faciunt, nimio ne luxu obtusior usus
Sit genitali arvo, & sulcos oblimet inertes.

Georg. III. l. 135.

The

The wond'ring shepherd's ears drink in the sound*. From this manner principally arises that marvellous and sublime that proceeds from bold, and what we may call dangerous, metaphors, when we give life and spirit to inanimated objects: for example, when the same poet says, that the river Araxes, disdains a bridge. And in the famous passage of Cicero, What, O Tubero, was the meaning of thy naked sword in the ranks of Pharsalia? Whose breast did it seek? What did thy armour threaten? Thy spirit? Thy eyes? Thy hands? Thy forward zeal? This metaphor is sometimes double, as when Virgil mentions, arming steel by poison. For to arm with poison, and to arm steel, are two metaphors.

These four manners admit of many subdivisions. Thus we transfer one rational object to another; or an irrational to another irrational object. Or we may blend irrationality with rationality. All have the same effects, whether they are taken in the whole or in parts. But I suppose that I am not now speaking to young students, but that when the reader is master of the kind, he is likewise master of every species arising from it.

But as a well-tempered and well-timed use of metaphors illustrates a style, so, a frequent return of them renders it obscure and tiresome; and a continual return of them renders it allegorical and enigmatical. Some metaphors are quite mean; for example, that which I have already mentioned, of an

* Orig. ——— sedet inscius alto
Accipiens sonitum saxi de vertice pastor. VISO.

It is amazing, that the commentators, and Burman among the rest, have not been able to find a metaphor in this passage, and even the Abbè Gedoy in his translation has omitted it. I have not been able to preserve its spirit; the metaphor certainly lies in the word accipiens, which implies activity, being transferred to a sense that is merely passive.

altar,

altar, which is called a stony wart. Some are indecent; for if Cicero, to express the sordidity of some of his countrymen, very properly called them the bog-house of the commonwealth, that does not justify an old orator, who makes use of the expression, Thou hast made an incision into the hemorrhoids or the piles of thy country. And the same great orator very properly puts us upon our guard against making use of shocking metaphors; for he tells us, that he should not chuse to say "that the republic was gelded, after the death of Scipio Africanus." Nor would he call Glaucia "the excrement of the senate." In metaphors, we are to guard against every image that exceeds, and what more frequently happens against every image that lessens. We ought likewise to take care to preserve the similarity of images. And when we are once convinced that such absurdities are absurdities, we shall find them but too frequent.

An excessive use of metaphors, especially if they contain the same images, is likewise blameable. Some metaphors are likewise hard to be comprehended, because of their incongruity with the object; as when a poet says, that "Jupiter periwiged* with snow the bald-pate woods."

Some speakers are likewise under a very great mistake, when they introduce into prose the metaphors made use of by poets who are at liberty to please their fancy, and who are sometimes constrained by

* Orig.

—Capitis nives.

Juppiter hybernas cana nive conspuat Alpes.

The meaning of which is, that Jupiter spit the Alps white; and this very line is finely ridiculed by Horace. I have been tempted to substitute in its place a line of Sylvester's, the translator of Du Bartas, which has been taken notice of by Mr. Dryden, containing as false a metaphor, and is indeed of the same import with the Latin line.

their

their feet in numbers, which render their liberties allowable. But were I to plead, I would neither call a king the shepherd of his flock, upon the authority of Homer, nor would I with Virgil say, The steerage of the wings, though that poet applies that expression to the flight of bees, and to that of Dædalus, and that too with great propriety. For every metaphor ought either to occupy an empty space, or it ought to be more powerful than the expression that it displaces.

What I have said concerning metaphors is equally, if not more, applicable to the figure synecdoche. A metaphor generally is made use of to make the greater impression upon the mind, or to characterize objects, and place them before our eyes. But the synecdoche diversifies a style; by it, we take many for one, the whole for a part, the kind for the species, the consequent for the antecedent, or the reverse; all which is more allowable in poets than in orators. It is true, in prose we may say, a roof, instead of a house; but we are not at liberty to say, a prow for a ship, nor a fir-tree for a mast. We may even venture to say, steel for sword; but that does not authorize us to call a horse, in prose, a quadruped. We may, through the synecdoche, make more free with altering the numbers of things. It is common with Livy, when he wants to tell that the Romans gained a battle, to say, "the Roman was victorious." Cicero, on the contrary, in one of his letters to Brutus, though he is only speaking of himself, says, we imposed upon the people, and we made them take us for orators. And this manner is not only agreeable in formal pleadings, but is admitted into common conversation. When there is any thing understood by being omitted in a sentence, some will call the omission a synecdoche. For then we understand one word by another. But some-
times

times this comes to be an eclipse, which is a real blemish in a style.

Then thro' the gates th' Arcadians to rush.

Meaning, they began to rush; but as I think this is a figure of itself, I shall treat of it under that head. Sometimes one circumstance marks out another. Thus, Virgil, in order to describe the approach of night, says,

The weary heifers now returning home,

Their plows upon their necks——

But I know not whether this manner can ever be proper for an orator, excepting in argumentation, when he wants to characterize a thing. It does not, however, belong to elocution.

The metonymy is pretty much of the same kind, for it is a trope by which we substitute one appellation for another, the cause for the effect, the inventor for the invention, the sovereign for the subject. But Cicero tells us, that rhetoricians term this figure hypallage. An example of the metonymy is (speaking of bread), Ceres spoiled by the water. In like manner, Neptune is put for the sea, in poetry. But the reverse of this renders a style harsh. It is therefore of importance for a speaker to know how far he ought to indulge himself in the use of this trope. In Latin prose it is common to express the fire by Vulcan; a battle by Mars; and an amour by Venus. I much doubt whether the severity of pleading can admit of calling wine, Bacchus; and bread, Ceres. But we may sometimes express the contents by that which contains them; for example, the bottle was drank; the city was polite; the times were happy. But it is seldom that any but a poet can practise the reverse with any propriety. Now burns my neighbour, says Virgil; meaning his neighbour's house. It may, however, be more allowable to substitute the
possessor

possessor for the possessed ; for instance, the man is eat up, to express his estate being consumed.

The same trope admits of a thousand manners ; for instance, we may say in prose, that Hannibal cut in pieces sixty thousand Romans at the battle of Cannæ. Dramatic poets speak of their heroes in the same manner. 'Tis common to say, I bought a Virgil. And "Provisions are coming to us. He knew a great deal of war, instead of the art of war." It is likewise common for orators as well as poets to express the efficient for the effect. Thus, Horace says,

Death, unrelenting death, beats down.

The peasant's couch, and prince's throne.

Virgil says,

There pale diseases dwell, and drooping age.

And an orator is allowed to say, headstrong rage, gamesome youth, indolent repose.

There is some affinity between this trope and the synecdoche. For when I say, "the look of man is noble," I put that in the singular which ought to be in the plural.*

The antonomasia is a trope which substitutes some property or designation for a proper name. It is very common with poets, who sometimes design a person by a patronymic, instead of his own name ; for instance, they call Diomed, Tydides ; and Achilles, Pelides. Sometimes a proper name is supplied by some capital distinction ; as when Virgil calls Jupiter

Of Gods the father, and of men the king.

Sometimes a man may be designed by his actions.

The arms, the tyrant, in the chamber left.

* There follows a sentence or two in the original, which I have not translated, because it is both depraved, and immaterial, if not unintelligible.

Orators sometimes, but not often, make use of this figure. They would not indeed say, Tydides or Pelides; but they may design a parricide by the appellation of ruffian; Scipio, by that of the destroyer of Carthage and Numantia; and Cicero by that of the glory of Roman eloquence. Cicero himself makes use of this figure, as appears from the following passage in his pleading for Muræna. "Says the great monitor to his brave pupil, You are not wrong in many things, but if you were I could set you right." Here he names neither monitor nor pupil, but leaves both to be understood.

The Greeks claimed great merit from their *onomatopœia*, or, their coining words, but it is what we dare scarce venture to do. We have, however, a great many words coined by the original inventors of language, in imitation of the sound or affection they wanted to express; for example, the lowing of the ox; the hisses of the serpent; and the murmur of the dove, or of the lover. But as language is now come to its highest perfection, we do not venture to coin any more words, though many that were current among our ancestors are daily wearing out. We scarce indulge ourselves in the liberty of deriving words from others that are in common use.*

All other tropes besides those I have mentioned, are not employed for the sake of their significancy, but of their beauty; for they rather adorn than enforce a style. Epithets, for instance, are applied for embellishments, and are both freely and frequently made use of by poets, who think it sufficient, if they make them suit with the object they are connected with. We therefore find no fault with the saying, white teeth, or humid wine. But unless an orator

* Some part of what follows here cannot with any propriety be translated; and if it could, it would be of no manner of use to an English reader.

has a meaning in every epithet he employs, he falls into bombast. Now we know that an epithet has a meaning, where it adds to the thing it is connected with; for instance, most detestable wickedness; most abominable lust. But all epithets receive their greatest beauties from metaphors; for example, unbridled lust; tasteless extravagance. Sometimes epithets are joined to tropes; for example, Virgil says, meagre want; a melancholy old age. But, in such instances, the epithet has such power, that, without it, the style must appear naked and sordid. A style, however, ought not to be overloaded with epithets, for if it is, it becomes tedious and cumbersome, and the judges in court consider them as they would so many sutlers following a camp, which increase the number of useless mouths, but not of fighting men. Nay, sometimes several epithets are applied to the same person; thus Virgil, speaking of Anchises, says,

By Venus blest in raptures of her joy,
Thou care of Gods, twice sav'd from flaming Troy.
This application of several epithets to one person, has no bad effect, at least, not in verse.

Some, however, will not admit epithets to be tropes, because, say they, they change nothing. For if you detach the epithet from the thing it is joined to, the signification is still the same, and becomes an antonomasia, or a substituted expression; for example, if you say, The man who destroyed Carthage and Numantia, you make an antonomasia; but if you add Scipio, it becomes an epithet; here it is impossible to separate the epithet from the person, because it can suit no other person.

On the contrary, allegory expresses one thing and means another; nay, sometimes it's quite opposite; for example, in the 14th Ode of the first Book of Horace, the poet designs his country under the
the

the term of a ship; civil wars by stormy seas, and peace and tranquillity by a safe harbour. Thus Lucretius says,

I range the muses' lonely walks.

And Virgil,

But I have gone a mighty way, and here

'Tis fit I check my foaming steed's career.

Sometimes we meet with an allegory without any metaphor.

I've heard, indeed, where yonder mountain's sweep
Sinks gently to the level of the deep,

Where yonder stream the aged beeches shade;

The vales resounded, while Menalcas play'd.

Here the terms suffer no change or alteration, only Virgil, under the person of Menalcas, allegorically represents himself.

An orator has often occasion to make use of the first kind of allegory I have mentioned, but seldom entirely, without throwing in some expressions that explain its meaning. Cicero makes use of it entire, in the following passage; To me it appears both wonderful and deplorable, that a man should be so bent to do another a mischief, as rather than not do it, he will bore a hole in the ship that carries himself. The following is of the mixed kind, and is very frequently made use of by the same orator; "I thought, indeed, that all the storms and tempests, which tumultuary faction and distracted counsels raise, must break upon the head of Milo." Had there been no mention of tumultuary faction, and distracted counsels, the allegory would have been pure and unmixed; but it is mixed as it stands. In such kind of tropes, the beauty lies in the borrowed, and the meaning in the proper, expressions.

But nothing gives so much beauty to a style, as when similitude, allegory, and metaphor are united; for example, in Cicero's pleading for Muræna: "Do
you

you think that the waves of any sea, or of Euxipus itself, is tossed and agitated with as violent and various workings, as the tumults and tides that happen in a popular election? One day intermitted, or one night intervening, often throws every thing into confusion, and the smallest whisper of a report frequently alters their whole inclinations. We often meet with disappointments without any visible reason; and the people sometimes stare at what is done, as if they themselves had not done it." Here, above all things, we are to observe to finish with the very same kind of metaphor with which we begin. For some speakers I know, in the above example, when they had begun with the tempest, would have ended with fire and sword; which is a most shocking incongruity.

Allegory likewise assists the most common understandings, and our daily conversation. It has introduced into pleadings the following terms, which are now so familiar to us; to fight firm; to aim at the throat, and, to draw blood; all which expressions give us no pain. For variety and change are pleasing in eloquence, and we are delighted with the manner which we least expect. But this has led us into excess, and we have disfigured the beauty of allegories by our over-fondness for them. Some examples are given by way of allegories, when nothing is said that explains them. Nothing is more common with the Greeks than to say, Dionysius went to Corinth;* with many other such allusions. When an allegory is quite obscure, it is called a riddle. But, in my opinion, obscurity is blameable, if perspicuity is beautiful. The poets however make use of it says; Virgil,

* See concerning this expression, what I have observed upon Cicero's Epistles to Atticus. Epist. 9. b. 9.

Tell, and you shall be my divining God,
Where seem the heavens scarce forty inches
broad.

Orators likewise make use of riddles ; thus, Cælius mentions the farthing-hired Clytemnestra ; and he speaks of a sponge * in the dining-room, and a clapper in the bed-room. For though many such expressions are now unriddled, and though they were not perhaps so very dark, when they were originally spoken, yet every thing that requires an interpreter, before one can understand it, is a riddle.

Irony is a figure by which we mean the reverse of what we express. Some call it a mockery, and it is discernible either in the manner of speaking, or in the character of the person, or the nature of the subject. For if any of these are incompatible with the expressions, then it is plain that the words and the meaning differ. But this happens in other tropes, where we must be at pains to examine both the subject, and the person spoken of. Because, as I have observed before, it is allowable to make use either of mock-praises, or mock-reproaches, when we want to lash or to compliment a person. Thus Cicero calls Verres, the polite prætor, the honest, industrious man. On the contrary, when he wants to praise himself, he says, I seemed to be something of an orator by imposing upon the people. Sometimes we raise a laugh by speaking the very reverse of what we mean ; as Cicero, addressing himself to Clodius ; Yes, sir, you was acquitted through the integrity of your life, you was delivered by the purity of your manners, you was saved through the virtues of your youth.

* Quadratoriam Clytemnestram : &, in triclinio Choam : & in Cubiculo Nolam.

Sometimes

Sometimes by allegory we improve upon the melancholy and disaster of a narrative, and sometimes, when we think it for our purpose, we disguise our meaning by an opposition of terms, and sometimes without venturing upon a direct detail ;* all which manners I have already mentioned. There is an arch, deriding manner, somewhat between irony and sarcasm, which a speaker may sometimes employ to good purpose. When we express one word by several, we call it a periphrase ; and sometimes this manner is necessary, especially when we are obliged to mention some indecent action. Thus Salust speaks of an affair of nature. Sometimes a periphrase is introduced by way of ornament only. Thus Virgil calls the night,

The time when mortals sink from toil and woe,
To the best blessing that the gods bestow.

This manner is pretty frequent amongst orators, but without so much circumlocution, which is the term we give to every thing that for ornament sake is expressed in more words than it properly requires. This term however gives us no very advantageous idea of a style, because it is apt to run into verbosity, which is always a blemish.

The hyperbate is often necessary to the beauty of style and composition, and has great merit in both. It very often happens that a style becomes rugged, harsh, loose, and yawning, by placing every word in its order, and by unnaturally forcing it to connect with the word immediately preceding. We are therefore to keep back one word, and to push forward another, in the same manner as workmen, in

* I have not thought proper to translate some part that follows in the original, as being either of no manner of use, or only a repetition of what has been said before.

building,

lding, place the rough stones as best suits their
ape and figure; for it is impossible for us to cut
d chissel them in such a manner as to stand in ex-
rank and file: no; we must make use of each
t as it comes to our hand, and lay it where it fits
t;* and indeed inexpressible is the harmony of
le that arises from the judicious use of this figure.
sensible was Plato of this beautiful effect, and so
ent was he on making experiments upon the fi-
e, that he several times changed the order of the
r words which begin the best of all his composi-
ns,† and they are to this day, differently placed
different editions.

The anastrophe inverts the order of two words, as
Latin we say, *mecum* and *tecum*. The poets‡
ometimes not only displace, but divide, a word:
t this is not allowable in prose.

I have reserved the hyperbole to the last, because
s the boldest of all ornamental tropes, and its
ect lies both in exaggerating and diminishing, by
eradding fiction. This is done several ways.
st, by saying more than what is fact; as when

Though the English language admits of but few hyperbates,
it does of some, with a very fine effect. I shall give one for all,
our translation of the Bible; for Tophet is ordained of old,
for the king it is prepared. Isa. xxx. 33. The reader will
many examples of the same kind in our Bible; where this
ner gives the text a much more serious and earnest air than if
words stood in their natural order. It has a very beautiful
t in English eloquence, and compositions of all kinds. Mr.
e, on one occasion, has made use of it with inimitable effect
is inscription upon Mr. Rowe's monument, where, comparing
to Shakespear, he says,

O skill'd next him to draw the tender tear,
For never breast felt passion more sincere,
With nobler sentiments to fire the brave,
For never Briton more disdain'd a slave.

Meaning his treatise on government.

As Virgil says,

— Hyperboreo septem subjecta trioni.

subjecta septemtrioni, and notwithstanding what my author ob-
es, Cicero says, *Per mihi gratum ferecis*; and *perque jucun-*
i. Some other examples may be found in his writings.

Cicero says, that Antony filled his own bosom, and all the tribunal, with indigested morsels, smelling rank of wine. And Virgil, two rocks that threat the sky. Or the hyperbole may be effected by heightening the object with a simile. Thus Virgil:

You'd think the Cyclades had floated round.

Or by comparison: Swifter far than wings of lightning. Or by marks; as Virgil says of Camilla,

Swift would she fly above unbending corn.

Or by a metaphor, as in the last example, she flew. The hyperbole is sometimes heightened by an addition; as in the following passage of Cicero, speaking of Antony: Was Charibdis herself so voracious? What do I talk of Charibdis! Charibdis, if ever there was a Charibdis, was but a single monster. By heavens! it seemed impossible for the ocean itself so quickly to swallow down so much wealth, so widely separated, and situated in so very various places! But the finest hyperbole I meet with is in Pindar, that prince of the lyric poets, in one of his books which he inscribes, The Hymn. There, in order to show the fury with which Hercules attacked the Meropeans, who are said to have inhabited the isle of Coos, he says, that "he was not to be compared to a fire, nor to the winds, nor to the sea," as if the fury of these elements was unequal to his; but that "He was like a thunderbolt." Cicero imitated this manner in his invective against Verres: "There lived in Sicily, says he, after a long distance of time, not a Dionysius, nor a Phalaris (though that island formerly was fertile in cruel tyranny), but a new and a monstrous prodigy of tyranny, who was a compound of all their inhuman ferocities. For, I venture to say, that neither Charibdis nor Scylla was ever so destructive to sailors, as Verres was to Sicily."

There are as many manners of diminishing an object. Thus Virgil makes a shepherd say, to shew the leanness of his flock,

Scarce

Scarce can their bones and hides together stick. And Cicero has a jocular epigram, "That his friend Varius had a farm, which was so small, that he could put it into a sling, and throw it away."* But, even in this figure, we ought not to overdo; for, though an hyperbole is more than what we can believe, yet it ought not to be more than we can conceive: for that leads us into affectation. I should tire both my reader and myself, were I to recount all the errors that spring from this abuse; especially as they are so well observed and known. It is sufficient to inform him, that though an hyperbole is a lye, yet ought it not to be a gross imposition. We, therefore, ought to be the more careful how far we push a way of speaking, in which we are sensible, we are not believed. For very often the hyperbole raises a laugh of approbation, if it is witty; and of contempt, if it is extravagant. Now, both learned and unlearned have, in common with one another, a passion for either aggravating or lessening things: and few are contented with representing things as they really are. The hyperbole, however, passes pretty well off, when we are not too positive in affirming it. In short, the hyperbole has a very good effect, when the thing we are describing or handling is very extraordinary; for then an allowance is made, because it is not to be expressed by ordinary language, and in such cases it is better to overdo than to underdo. But I here take my leave of this subject, because I have handled it at large in my Treatise concerning the causes of Corrupted Eloquence.

* This is at best a very jingling epigram, and is as follows:

Fundum varro vocat, quem possim mittere sun 'a,

Ni lapis exciderit, quâ cava funda patet.

The reader here is to observe, that a farm is called *fundus*, and a sling *funda*; but I do not remember, that commentators have taken notice, that the Romans slitted the part of the sling in which the stone lay before they discharged it.

QUINCTILIAN'S

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK IX.

CHAP. I.

OF FIGURES, HOW THEY DIFFER FROM TROPES ; AND THE
PROPERTIES OF FIGURES.

HAVING, in the former book, discussed the subject of tropes, it naturally follows, that I am here to treat of figures, though some confound them together : for as their name implies, there is a particular method of forming tropes ; and they are termed movements, because they alter the plain course of the style ; both which are the properties of figures likewise. The uses of both, too, are pretty much alike, for they give both greater energy and greater beauty to things. Nay, some, amongst whom is Caius Artorius Proculus, have called all tropes figures. The truth is, they resemble one another so nearly, that the difference is not instantly perceivable ; there is, therefore,* the more reason why we should carefully distinguish them.

* There are a few sentences here in the original which I have not translated : and I have taken the same liberties in other parts of this chapter, which I thought contained no more than a repetition of what has gone before.

A trope

A trope, therefore, is a transition from a word's natural and original signification to another, for the sake of ornament. Or, as grammarians generally define it, it is an expression carried from a place where it is proper, to a place, where it is not proper.

A figure, as the word itself implies, is a certain form of style different from the common and obvious manner of speaking.

Upon the whole, therefore, tropes substitute some words for others ; while nothing of this kind is necessary in figures ; for they may retain the proper expressions, without departing from their natural order. But I am to remark, that very often a trope and a figure meet in the same sentence. For a style may be figured in metaphorical, as well as proper, expressions. Authors, however, greatly differ with regard to the word itself, as well as about the kinds, and the different species of figures. Let us, therefore, consider in what sense we are to understand a figure. A figure is applicable in two manners ; first, to the form of a sentence, be that form what it will. For it is with figures, as with men's persons ; because, however differently they may be formed in particular features and limbs, yet still their general outward form is the same. The next manner (and indeed what we properly call a figure) is where we deviate in sense and style, for good reasons, from the common and simple manner, just as we throw our bodies into the different positions of sitting, lying, or looking behind. For, when a speaker, or a writer, makes a too constant and frequent use of the same cases, tenses, numbers, or even cadences, we desire him to vary his figures, in order to avoid a sameness of style. Now, by this way of speaking, we suppose, that every style and manner has a figure annexed to it ; and indeed, in the first sense of figures I have laid down, there is
nothing

nothing that we do not suppose to be figured. But, if we consider figures as the airs and attitudes of our thoughts and expressions, we shall then include, within that term, every thing that either poetically or oratorially differs from the simple and obvious manner of speaking. In this sense, we may venture to say, that there is a style which is void of figures (and that, of itself, is no small blemish), and a style that is figured. Upon the whole, therefore, "a figure is an extraordinary manner of speaking by a certain art."

It is generally agreed, there are two sorts of figures: one, of meaning, or sentiment; the other, of words, or style: which form the ground-work of eloquence itself. But, as it is natural for the mind to conceive ideas before they are expressed, I will therefore begin with the sentimental figures, the utility of which is so extensive and various, that they form the most beautiful part of every kind of eloquence. It is true, we may not think it very material by what figure we speak, when we want to establish a proof, yet still they are useful for rendering what we say credible, and for, as it were, insensibly stealing upon the minds of the judges, where they are least guarded.

Now in a combat, where the strokes are direct, one, by seeing the simple motion of his adversary's wrist, can easily parry and return them; but it is not so easy to guard against back blows and feints: for it is a great point of art to aim at a place different from what you intend to strike. In like manner, an orator, who is void of art, must rely upon his strength, his size, and his fury; but when he knows the feints and the shifts of his art, he can then attack and reach his enemy in the belly or the side, and while he is obliging him to guard one place, he can strike him in another, and all this by

the very turn of his eye. Indeed, nothing makes a greater impression upon the affections, than this manner does. For if the eyes, the look, and the gesture have a powerful effect upon the mind of the hearer, how much more powerful must the air of a discourse be, when conformable to the effects it should produce? Figures are of vast service in rendering eloquence agreeable; in recommending the manners of the pleader; in prepossessing an audience in his favour; in relieving the fatigue of a court by their variety; and by throwing every object into the most agreeable and least offensive light.

But, before I come to the application of figures, I cannot agree in thinking them so very numerous, as some do. For I pay no regard to those terms, that are so readily invented by the Greeks. Above all, I reject the opinion of those, who say, there are as many figures as there are sentiments.

Cicero, when he treats of this subject, comprehends, under the word figure, every thing that can give to a style lustre and ornament, and in my opinion, he observes a certain middle way, in not admitting, as many do, that every style is figured, and by admitting only that style to be so, that deviates from the common usage of speaking. But he ranks, as figures, every manner of speaking, that is most effectual for illustrating a subject, and moving the affections of the judges. I shall, that I may not deprive my reader of so great an authority, here give him his words upon this subject, as we have them in his third book of his treatise concerning an orator. "In the thread of a discourse, after we have consulted the smoothness of periods, and the harmony of numbers, I have mentioned, the whole style is to be marked and bespangled by the brilliancy of sentiment and expression. For the figure, by which we dwell upon one subject, is of great efficacy, as it is
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a perspicuous illustration, and a lively representation of facts, in the same manner in which they happened. This is very serviceable, first in representing a matter, then in illustrating that representation ; and likewise in heightening it, so that with our hearers we make the most of our subject, that is in the power of words to make. Opposite to this figure is precision, which rather gives a hint to the understanding more than you say ; as is likewise brevity, which consists in a distinct conciseness, together with extenuation and illusion, which falls pretty well in with Cæsar's rules. Then comes digression, which as it is delightful, your resuming your subject ought to be proper and agreeable ; then follows the proposition of what you are to speak to ; then its disjunction from what hath been already said ; then you return to what you proposed ; then you recapitulate ; then you draw from the premises your conclusion ; then you enhance or evade the truth, according as your intention is to exaggerate or extenuate ; then you examine, and, what is very near akin to examination, you expostulate and answer upon your own principles ; then comes that bewitching figure of irony, by which a different thing is understood from what is expressed, a figure that has the most agreeable effects in a discourse, when introduced not by way of argument, but entertainment ; then comes dubitation ; then distribution ; then the connexion of what you have either said, or are to say ; or when you are to throw any thing off from yourself, premunition regards the point you attempt to prove ; then there is throwing the blame upon another ; then there is communication, which is a kind of deliberation, with those to whom you speak ; then there is the imitation of morals and life, either when you name or conceal the characters they belong to ; this is a great embellishment to a speech,

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and is chiefly calculated for conciliating the favour, but often for moving the passions, of the audience. Then follows an imaginary induction of real persons, which is perhaps the most heightened figure of exaggeration ; then description ; then the introduction of a mistake ; the impulsion to cheerfulness ; then prepossession ; together with those two figures that have so strong an effect, I mean comparison and example ; then comes unravelling, interruption, straining, suppression of what you insinuate you know ; commendation ; a more free, and even an unbridled style, when you want to exaggerate, and give an emphasis to your expression ; then comes anger, chiding, promising, deprecating, beseeching ; a short deviation from your subject, but not of the nature with digression, which I have already mentioned ; then apologizing, conciliating, blaming, wishing, and execrating. It is chiefly by these figures that sentiments give beauty to eloquence. As to the figures of style, they serve as in the case of fencing, either to shew how well the master can aim, and, as it were, fetch a blow ; or how gracefully he can handle his weapons. For, the repetition of a word sometimes gives force to a style, at other times it shews wit, as does a small variation or alteration of a word. A frequent repetition of the same word from the beginning, or the resuming it in the close of a speech ; the giving force to words, and then making the same words meet, adjoin, and proceed, together with putting a certain mark of distinction upon a particular word, which you often resume, and those which have the like terminations, and the like cadences ; those which form the respondent parts of a period, and have a mutual relation to one another. There is likewise a certain gradation and conversion, with a well-judged transposition of words ; there is then their opposition, and detachment,
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from one another, by throwing out conjunctive particles; then evasion, reprehension, exclamation, diminution; and what is laid down in many cases, and what is drawn from particular propositions, and applied to particular subjects; and the method of laying down a proposition, together with subdividing it into several parts; and concession, and another kind of doubting and surprise, and enumerating, and another connexion, and dissipating, continuity, and interruption, and representation, and answering one's self, and immutation, and disputation, and order and relation, and digression and precision. Those, or the like, perhaps there may be more, are the figures that illustrate the sentiments and the style of a speech."

The same great master has in his book, intitled the Orator, inserted a great deal, but not all, of the above quotation. It is, however, more distinctly marked, because he adds a third topic after the figures of style and sentiments, which third topic, as he himself says (addressing himself to Brutus), belongs to other properties of eloquence.

"As to the ornaments, says he, that arise from the artificial disposition of words, they reflect great lustre and great ornament upon a style. They are like the principal decorations of a spacious theatre or court, that strike us not merely as they are ornamental, but because they are distinguishedly so. The figures of words have the same effects; they give light, and, as it were, a distinguishing beauty to a style, either by redoubling or repeating words, or by making them undergo a slight alteration, or by beginning or ending several successive periods with the same word; or when the same word occurs in a period once, and again; or when words that have similar beginnings and ending are thrown together; or when the meaning of a word is altered, even in
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the same period ; or when the various methods are practised for opposing one word to another ; or when the energy of a period gradually rises to its close ; or when, to render it more rapid, we throw out the conjunctives ; or when we discover, by our manner, the reason of our omitting any circumstance ; or when we correct, and, as it were, blame ourselves ; when we fall into exclamations, either of surprise, or concern ; or when we vary the same word through different cases. All this is done by means of verbal figures.

“ But the effects of sentimental figures are much more powerful ; and because Demosthenes chiefly attached himself to them, some think that to be the characteristic excellency of all his eloquence ; for, to say the truth, he seldom touches upon a point without giving it the utmost beauty and force of sentiment. And, indeed, the true property of eloquence is nothing else but the giving a beautiful lustre to all, or most part of our sentiments. But, as you, my friend, are so great a master of that excellency, there is no occasion for me to enter into any minuteness or detail of examples. It is enough, if I have touched upon the head.

Let, therefore, the orator I wish to form, know how to vary one and the same thing, in several manners, to close with, and to dwell upon, the same sentiment ; let him know how, sometimes, to extenuate, sometimes to ridicule, to make his discourse take a certain bias, and his sentiments but just glance upon his subject, that he may elude a difficulty ; let him lay down the matter he is to speak to ; then having discussed it, bring it to a certain point ; then recovering himself, make a short summary of what he had said before, and from thence form a rational conclusion ; let him press his adversary by questioning him, that he may the better confute

fute him by answering his own questions. Let him know how to practise irony, by making his words differ from what is plainly his meaning ; let him hesitate in what manner, and in what order he is to speak ; let him make his proper divisions, laying down some points, and omitting others. Let him take such precautions as that, if the omission or any other slip is discovered, he may turn all the blame upon his antagonist. Let him affect such a confusion, as to seem to advise with the judges, nay, with his opponent ; let him know how to describe the characters and conversation of mankind, and to give a language even to the mute creation ; when it is for his purpose, to divert the attention of the audience by frequent returns of wit and humour ; to obviate objections beforehand, to apply similies and examples, to make a proper division, to check his opponent for his intrusion, to pretend to conceal some things, to acknowledge his apprehensions, to speak with freedom and independency, to put himself even in a passion ; sometimes to reproach, to deprecate, to supplicate, to apologize ; to digress a little, to wish, to execrate, and to assume an air of familiarity with his judges.

“ Let an orator likewise know how to use the other powers of eloquence ; let him be concise, where conciseness is proper ; let him paint a thing by his expressions ; let him make use of exaggerations ; let his emphasis often contain more meaning than his words ; let him frequently be good-humoured, and fall into an imitation of life and manners. By such means alone (and you see how various and extensive they are), all the powers of eloquence can be exerted.”

CHAP. II.

CONCERNING SENTIMENTAL FIGURES.

CICERO has here laid down rules for those who shall take the doctrine of verbal and sentimental figures in its large extent; nor, indeed, dare I say that it is possible for me to improve upon what he has laid down, but I hope the reader will apply them to the principles of my work. For my purpose is to treat of those sentimental figures which deviate from the plain, simple, manner of expression. And for this I have the authority of many eminent authors. As to the other manners which Cicero has laid down, I mean even those which throw the greatest lustre upon a style; they are so much the properties of eloquence, that, without them, it is impossible we can have any idea of speaking in public. For how can a judge be informed without "a clear explanation, proposition, state, definition, and division of the case? The opinion of the pleader, a proper deduction by reasoning, precaution, simile, example, distribution, interruption, checking, labouring, apologizing, and attacking?" In short, what will remain to eloquence if we strip her of the powers of heightening and extenuating? The first requires an emphasis, which conveys more meaning than you express; it exceeds and exaggerates the truth, while the latter employs only alleviation and lepreation. On such occasions, can the passions be roused without a freedom of voice, and a boldness of resentment, without reproaching, vowing, and execrating? Or can they be calmed, but by applying the lenient arts of insinuation, reconciliation, and good-humour?

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Can an orator give delight, nay, can he give one proof of his being a man of parts, unless he knows how to make an impression sometimes by repeating, sometimes by dwelling upon what he says? Unless he knows the art of digressing from his subject, and of bringing that digression home to his purpose? To remove an imputation from his client, and to throw it on another? Unless he has judgment to discern the points he ought to admit, and those he ought to dispute? In such arts lie the spirit and action of eloquence: if you remove them, she is no better than a body without animation. But we must not only be sensible of their necessity, but we ought to know how to employ and to vary them, so as that our pleading, like a well-tuned instrument of music, may communicate delight from every sound.

Such beauties, however, are generally natural and obvious; and are so far from disguising, that they avow, their effects. But, as I have already observed, they admit of figures: for instance, nothing is more common than to ask a question of, or to examine a person; for we use the former of those terms when we want to be informed of a fact, and the other when we want to establish a reasoning; though sometimes they are used indifferently. But, in whatever sense we take the words, the matter itself of questioning admits of various figures.

To begin, then, from those that render a proof more keen and strong, which I first took notice of. This may be done in a very simple manner; as when Virgil makes Venus say to Æneas,
But whence are you? What country claims your birth?
But there is another manner, which is figured, and is not employed by way of informing ourselves, but of confounding our opponent: thus, Cicero says, For what, O Tubero, was the meaning of thy naked sword in the ranks of Pharsalia? And, How far wilt thou,

hou, O Catiline, abuse our patience? Art thou insensible thy practices are detected? And so through the whole of that paragraph. How much more spirited is this manner than if Cicero had said, You have long abused our patience——your practices are all detected:—

Sometimes we put a question that we know cannot be denied: thus Cicero, Has Caius Fidiculanus Faleula at last finished his pleading? When it is difficult to account for a thing, it is common for us to say, How could that happen? How is it possible? Sometimes we put a question from merely to make another person odious; for example, Seneca makes Medea say, Whither, O whither, would you have me go? Sometimes, in order to raise pity. Thus, Virgil makes Simon say,

——Alas! what earth remains, what sea

Is open to receive unhappy me?

Sometimes we make use of the same manner, for pressing our adversary, and, in some sort, forcing him to understand us: thus, as Asinius said, Do you hear me? It is the madness, the madness, I say, of the testator; and not his injustice, that we blame.

The whole of this manner admits of great variety. For it serves to mark indignation: thus Virgil,

And Juno's name who henceforth will adore?
And admiration,

——Of gold, thou hunger fell!

To what wilt thou not mortal minds impel?

Sometimes it denotes a keenness of resolution; as Virgil makes Dido say,

Shall we not arm, not rush from every street,

To follow, sink, and burn the traitor's fleet?

Sometimes we put a question to ourselves; What, then, shall I do? Says a character in Terence, Am I not to go, though she sends for me?

Answers

Answers likewise admit of being figured: for example, when an indirect answer is given to a question, and that for an useful purpose, because it aggravates a criminal's guilt. Thus, a witness being asked, Whether the accused party had ever whipped him with rods? Though I was innocent, answered the witness. We very often make use of this manner in defending ourselves. Have you not killed a man? The answer is, A robber. Do you possess an estate? The answer is, My own. Sometimes we employ it at once to excuse and to acknowledge an action; thus, Virgil makes one of his shepherds say,

Did I not see you, wretch, a goat surprise?

The other's answer is,

Its master gave it as my lawful prize.

Akin to this manner is that which I have treated of elsewhere; I mean, an arch way of answering, so as to raise a laugh. For if we take such answers seriously, we must hold them for confessions.

There is likewise an agreeable way of one questioning and answering himself. Says Cicero, in his pleading for Ligarius, "Before whom do I own this? Why, before the man, who, though he knew it, yet, without my appearing before him in person, restored me to the bosom of my country." There is another manner employed in his pleading for Cælius; "I may be told, Is it thus you train up young gentlemen? Did his father recommend him, when a boy, and deliver him to you, that you might initiate his youth into lewdness and pleasures? Wilt thou be an advocate for such a course of life and studies?" To this he immediately makes the fine answer that begins with, "My lords, if there is a man endued with such fortitude of soul, with such dispositions to virtue and chastity, as to reject all pleasures, as to finish his career of life with the toils of the body, and

and the pursuits of the mind." There is a manner different from this, when we question and answer for another person at the same time ; Had you no house ? But you had. Had you ready money ? But you was in want. Some call this, a figure by subjection.

The same manner is effected by comparison ; Whether was it more easy for him to give an account of his opinion ? This figure sometimes is quick, and sometimes lengthened ; it is applied sometimes to one thing, sometimes to several.

The prolepsis or anticipation, by which I mean our answering objections which we foresee, is of great service in a pleading. This figure may prevail through all the parts of a discourse, but it is chiefly proper for the introduction. But though it is only of one kind, yet it admits of several subdivisions. Sometimes it enters by way of precaution, as when Cicero, in his pleading against Cæcilius, anticipates, as it were, the objection, which he foresaw would arise from his commencing impeacher, after having always acted as a defender. Sometimes, by way of confession ; as when the same great orator confesses that he blames his client, Rabirius Posthumus, for having entrusted the king with money. Sometimes, by way of forewarning ; I say it not to exaggerate his crime. Sometimes, by way of acknowledgment ; I intreat you, pardon me, if I have digressed too far. Very often by way of preparation ; as when we account at large for what we either have done or are to do. This manner of anticipation serves likewise to fix the property and energy of a word : Though that was not the penalty, but the prohibition of guilt. Sometimes it is employed by way of reproach : My countrymen, if such persons deserve to be called my countrymen.

Hesitation may be reckoned amongst the figures of persuasion ; when we pretend, for example, to be in doubt, where we are to begin, where we are to end, what we are chiefly to insist upon, and what we ought to suppress. Many instances of this occur ; the following may suffice : " For my own part, my lords, I know not to what hand to turn me ; shall I disown the corruption of the judges ? " This manner may have a retrospect, by our pretending to have been in doubt.

Consultation is a figure, or a manner, pretty much of the same kind. Sometimes we consult our very adversaries ; thus, says Domitius Afer, in his pleading for Cloantilla : " But the trembling lady knows not how far a woman ought to venture, or what is decent for a wife to do, in this her forlorn condition ; you are perhaps assembled to extricate her from her miseries, yea, you, her brother, ye, the friends of her father, to what will you advise her ? " We very often apply to the judges for advice ; " What, my lords, will you counsel us to do ? I appeal to the bench how we ought to have acted. " Thus Cato, " Suppose yourselves to have been in the same situation, what could you have done else ? " And in another place, " Suppose, my lords, that the matter touches us all, and that you are to give your verdict upon this affair ? "

Sometimes, in this course of deliberation, we throw out something that is unexpected ; and this, of itself, is a figure ; thus, Cicero, in his invective against Verres, says, " Well, my lords, what follows ? What is your opinion ? What do you look for ? Some petty thief ? Some trifling plunder ? " Then when he has kept the minds of the judges long in doubt, he brings a charge of a much more atrocious nature.

Celsus calls this figure a suspense. Now, it is of two kinds ; for often, when we have raised the expectation

pectation of the hearer of some important, some dreadful charge, we bring it down to something that is trifling and inoffensive. But as this is not done in the way of advising, some call it the figure of surprize. But I am against its being ranked as a figure at all; even when we pretend that something has happened contrary to our expectation; as when Pollio says, "Never did I believe, my lords, that when Scaurus was brought before your tribunal, I should be obliged to pray, that the great interest he has may have no influence in his trial."

Permission is almost of the same kind with advising, because, there, we leave certain matters to be estimated by the judges, and sometimes by our opponents; thus, Calvus says to Vatinius, "Put on a brow, and affirm that you deserve the prætorship better than Cato does."

But the figures that are proper for moving the passions, are chiefly effected by fiction. For an orator very often feigns himself to be angry, glad, fearful, surprized, pained, offended, and anxious; hence Cicero says, in his pleading for Milo, "Thus I recover my spirits, I am acquitted." Hence are the expressions of, "The affair goes finely on," And, "What madness is this!" "O times! O manners! Wretch that I am! My tears are exhausted, but my heart is oppressed. Gape, earth, and swallow me." Some, however, think the latter an exclamation, and rank it amongst the figures of speech.

When such expressions arise from real sorrow, they are not to be looked upon as figures; as undoubtedly they are, when they are no other than artful fictions. We may say the same thing of boldness, or freedom in speaking; for, when it is real, nothing can be more removed from a figure. Yet often this manner is made use of to convey an artful adulation. Thus Cicero, in his pleading for Ligarius,

rius, says, "After the war, O Cæsar, was begun, after its operations were advanced, without compulsion, it being the result of my own judgment and choice, I enlisted myself with that party which took arms against you." Here, this bold avowal, at the same time that it does service to Ligarius, bestows the highest compliment that can be imagined upon Cæsar's clemency. Afterwards, with what wonderful art does he equally establish the merit of both parties, and, at the same time, win over Cæsar, who, he thought, was at the head of the worst, when he says, "But what, my friend, did we do, but wish to be masters of Cæsar, as he now is of us?"

In personating characters, or in the *prosopopœia*, a bolder manner, and, as Cicero thinks, a stronger exertion, is required: and, indeed, they give wonderful variety and spirit to a pleading. Here we are at liberty to suppose our adversaries reasoning with themselves, and to display their thoughts; but, if we would succeed here, we are to keep within the bounds of probability, by making them speak what it is not unreasonable to believe they think. We are likewise to observe the same rule in all our fictitious conversation with others, and of others amongst themselves; and we are to introduce proper characters, when we apply this manner to the purposes of persuading, reproaching, complaining, praising, and pitying.

Nay, an orator is at liberty sometimes to employ this figure either in bringing gods from heaven, or ghosts from hell; and to give a voice to towns and cities. Some confine this figure entirely to the introduction of supposititious persons and speeches. As to what is supposed to pass between man and man, they call it dialogue, and we call it conversation. But I have ranked both those manners, according to the received practice, under the same head.

head. For we certainly are as much at liberty to suppose characters as speeches.

But, when a *prosopopœia* seems a little too bold, it may be softened in the following manner: "For, should my country, that country which to me is far dearer than life; should all Italy, should all the frame of this constitution, thus accost me: Marcus Tullius, what are you about?" In the same pleading Cicero introduces a still bolder manner: "Hear, O Catiline, the manner in which we may interpret the expressive silence of this parent; hear the words in which we may suppose her to accost you: from thee, for these many years, have all offences sprung; without thee has no crime had a being."

A fine effect likewise follows, when we imagine things and persons to be before our eyes, or when we seem surprized that our opponents and judges do not see what we see. For example, I see him, my Lords; do you not think, my Lords, you see him? But this manner requires the utmost powers of eloquence. For, whatever is incredible or fictitious in its own nature, is either striking by being beyond, or ridiculous by being against, credibility.

Imaginary writings, as well as speeches, are sometimes introduced. Thus Asinius, in his pleading for Liburnia, introduces an imaginary testament in this manner: "I devise to my mother, because in life I loved her, and she me, above all other objects; because she seemed to live only on my account, and because she twice saved my life in one day,—NOTHING." This manner of itself is a figure, and is doubly so when, as in this cause, it is introduced in imitation of another testament, which ran in the following manner: "I devise to Publius Novanius Gallio, because I am obliged and indebted to him in the highest degree, and because he has always expressed the greatest esteem and regard for me,—

me,—MY WHOLE ESTATE.” This manner here becomes a parody, a term that is applied to tunes composed in imitation of other tunes; and, from thence, to the imitation of verses and speeches.

An orator very often invents forms, as Virgil does one for fame; and Prodicus, as he is represented by Xenophon, for pleasure and virtue: and as Ennius, in one of his Satires, brings in a combat between life and death. sometimes an indefinite person is introduced speaking: Here, some may say; Here, one objects. Common conversation may be introduced without any person at all. Thus Virgil, describing the discourse of the Trojan, says,

Here Phoenix, here Achilles, made abode;
Here join'd the battles, there the navy rode.

This manner is effected by suppressing the words, such a man, or, such men said.

The *prosopopœia* is sometimes converted into a kind of a narrative. Historians often introduce oblique speeches. Thus Livy, in his first book, after telling us that Romulus sent out ambassadors to procure alliances for his infant state, goes on, without expressing the (they said) “that cities, like other things, were inconsiderable in their beginning, but that those which were supported by valour, and favoured by the Gods, rise at last to great power and great glory.”

The apostrophe, or the manner which turns from a judge to another person, has a wonderful effect, especially in attacking our adversaries; as when Cicero says, “What, O Tubero, was the meaning of thy naked sword in the ranks of Pharsalia?” Or when we employ it by way of invocation: “For you, ye Alban mounts and groves, I implore and attest.” Or by way of imploring to excite hatred; Ye Porcian, ye Sempronian laws! But the *prosopopœia*

pœia may be employed in diverting a hearer from the matter in hand. Thus Virgil makes Dido say,

Haste then, and humbly seek my haughty foe;

Tell him, I did not with the Grecians go,

Nor did my fleet against his friends employ,

Nor swore the ruin of unhappy Troy. DRYD.

This diversion is effected by many and various figures. Sometimes we pretend that we expected somewhat else; that we feared something more considerable: Sometimes that the judges, not being fully informed, imagine the matter more important than it is. And this is the manner employed by Cicero, in the whole of his pleading for *Cælius*. But that which Cicero calls the placing a thing in our sight, is effected, not by pointing out the manner in which it was transacted, but by painting the very thing in our expressions. This is not to be done by the lump; but by delineating every circumstance; but, in my last Book, I have handled this matter. Some call this figure *hypotyposis*, by which they mean, expressions that paint out the thing in such a manner, that you may imagine you behold it, rather than hear it. Says Cicero, "He himself comes into the forum inflamed with guilt and fury, his eyes sparkling with rage, and cruelty painted on his countenance." We not only can figure to ourselves past and present, but future transactions. This is done with wonderful beauty by Cicero, in his pleading for *Milo*, when he describes what must have happened, had *Claudius* been raised to the prætorship. But this transference of time and place, as I may call it, was more sparingly used by former orators. They generally used it in this manner; Imagine that you behold: Or, with Cicero, figure in your minds what you cannot see with your eyes. But our modern orators, especially those who deal in declamation, are much bolder

bolder in the use of this figure; they charge their images with an extravagance of action, and they are not (by heavens!) animated, but agitated. Thus Seneca (in the declamation upon the controversy, where a father being introduced by one of his sons to a chamber, where his other son was in bed with his step-mother, kills them both in the act of adultery) makes the father say, "Lead me, my son, I follow you; take this aged hand, direct it where you please." Soon after he makes the son say, "Now behold, what for a long time you would not believe." The father's answer is; "I see nothing, I am surrounded with darkness, palpable darkness." This, you may say, is lively; Yes, but it is such a liveliness, as is more proper for the stage than the bar.

Under the same head of the hypotyposis some rank a clear and expressive manner of describing a place, though some give that the particular term of topography.

Some, I know, call all irony, dissimulation. But as that term, as I observed before, does not fully comprehend what is meant by irony, I must, as usual, adopt the Greek word. Irony, therefore, as a figure, differs little or nothing in the kind, from irony considered as a trope. In both cases the meaning differs from the expression; but, if we examine narrowly, it admits of different species. In the first place, the trope is more plain, and though it differs in expression and meaning, yet it is not so much disguised, and is more palpable. Thus, Cicero says to Catiline, "being repulsed there, you marched off to that excellent man Marcus Marcellus, your companion." Here, as all the irony lies in the two words, excellent man, it becomes a trope.

But where irony is a figure, the whole meaning is disguised in a perceptible, but not a palpable manner,

ner. As in the trope one word stands for another, so in the sense one word stands for another. Sometimes the whole proof of a cause, and all a man's life, is a continued irony; witness the life of Socrates, who affected the character of a simpleton, and an admirer of other people's wisdom, by which he got the appellation of the ironical, or the shrewd. Now, as a continued use of metaphors produces an allegory, so a string of tropes produces the figure of irony.

Some sorts of this figure, however, stand detached from all tropes; for example, that which proceeds by way of negative, which some call an apophasis. Thus, Cicero says, "I will not be too rigorous with you, I will not ask what perhaps must be granted me." And speaking of Antony, "Why should I disclose his decrees, his rapaciousness, the legacies which he unjustly bestowed, and those which he violently forced." And again, "I shall not mention the first efforts of his lust; I shall not repeat the evidences, which prove the vast sums he plundered." This manner is applicable to the whole of a pleading; as Cicero says, "Were I to handle this matter as I would do, were I to answer a charge, I should be too tedious," though he had discussed every point of it before.

Irony likewise is practised when we affect to desire or permit what we really dislike; thus Virgil makes Dido say,

Haste, and thy sails for lovely Latium spread.
And when we seem to compliment an adversary with qualities that he is void of. But that kind of irony is most cutting, when we mention those qualities which we possess, and of which our adversary is destitute. Thus, in Virgil,

Wretch, call me coward, when on yonder plain
Shall lie such numbers, by thy valour slain.

The

The reverse of this holds, when we, as it were, acknowledge ourselves guilty of crimes committed by our adversary, and of which we are really innocent. Thus, Virgil makes Juno say to Venus,

To Helen's arms th' adulterer I led.

But this contrariety, between the word and the meaning, is applicable not only to persons, but to things; as may be seen through the whole of the introduction to Cicero's pleading for Ligarius; and by several exclamations we make use of, all of them ironical, such as, Well said! very surprizing!

A fit employment for the powers above! says Dido to Æneas, in Virgil. And Cicero, in his pleading for Oppius; What wonderful affection! what matchless kindness!

This manner admits three kinds pretty much resembling one another; first, a confession of what can do us no harm; "You have, Tubero, says Cicero to Ligarius, the greatest advantage which a prosecutor can have, the accused pleads guilty." Secondly, concession, by admitting through the great confidence we have in the goodness of our cause, something, that is very criminal, not to be so. "A ship-master, the native of a most renowned city, ransomed himself from the whipping-post by a sum of money. This was compassionate." The same orator in his pleading for Cluentius, speaking of envy; "Let envy, my lords, reign in the assemblies of the people, but let her be humbled in the courts of justice." Thirdly, consent; as when Cicero, in the same pleading, agrees that the judges were corrupted. But when we agree to any thing, which is to make for us, such consent is too palpable to be called a figure, nor can we have any such opportunity, but through the unskilfulness of our opponent.

There are some things, which, in irony, we affect to praise; thus, Cicero, speaking of Verres plundering.

ing one Apollonius of Drepanum, says, "I have nothing to say, if you did plunder him, but that you never did a better action in your life." Sometimes we aggravate crimes, when it is easy for us to confute and deny the charge; but this manner is so frequent, that I need give no example of it. Sometimes, however, by this manner of exaggeration we render the charge more improbable. With this view, Cicero, in his pleading for Roscius of Ameriam, renders by his eloquence the crime of parricide more detestable, if possible, than what the world thinks it.

This suppressing, or as some call it, the checking a word or a thing, is of the ironical kind, and is expressive of passion or resentment; thus Neptune, in Virgil,

Whom I—but meet it is, I calm the waves.

Sometimes it expresses anxiety, or some religious scruple; "Can you think, my lords, that Clodius would have dared to have even mentioned, I will not say in the consulate, but in the life-time of Milo, that Law, which, he boasts, he invented; for as to us—But I dare not speak out." There is somewhat like this in the introduction to the pleading of Demosthenes for Ctesiphon.

This figure is likewise very proper to effect a transition, and likewise a digression, though some think, that a digression is not a figure, but a part of a cause. For Cicero, in his pleading for Balbus, might, without this manner of checking himself, have launched out in praise of Pompey. As to the short, quick digressions mentioned by Cicero, they admit of various manners; the following may suffice as examples of it. "Then Caius Varenus, the same who was killed by the slaves of Ancharis; you will, my lords, I hope, carefully attend to that circumstance." And speaking of Sextus Clodius, his

his pleading for Milo, he says, " Now he surveys me with that look, that insolence of look, with which to every citizen he used to threaten every insult." There is another kind of check, which does not indeed cut short the sentence, but yet it ends it before it comes to what appears its natural period; says Cicero for Ligarius, " I press the young man too much : he seems to be shocked." And again, " Why should I go on ? you have heard the rest from the youth himself."

Ethopoeia is the imitation of another's manner, and deals, as it were, with the gentler passions, for it consists almost entirely in mimicry ; but it comprehends both actions and words. That which relates to actions is pretty much the same with the hypotyposis ; as to that which relates to actions, we have an example of it in Terence, where Phædria imitates Thais, when she says, " When she was a little child, she was conveyed hither ; my mother has brought her up as her own ; she is called my sister ; I want to brink her off, that I may restore her to her relations." In like manner, we imitate even our own words and actions, by way of representation rather than mimicry. " I told the Sicilians, says Cicero, that they might have recourse to Quintus Cæcilius."

There are other manners which are very agreeable, and not only recommend a pleading by giving it variety, but are of themselves extremely serviceable to it, by the simplicity of their appearance, which has nothing in it that seems to be studied ; and therefore prepossesses the judges in our favour. Sometimes we seem to retract what we have said ; thus Cicero, in his pleading for Cælius, says, " But what am I doing, my lords ; I have introduced so grave a character that I am afraid"—It is common with us to say, I did not reflect—Or when

we seem to be at a loss, Let me think what comes next ; or, Have I omitted nothing ? I have one crime of the same sort to lay before you, says Cicero, in one of his pleadings against Verres. And, How one circumstance puts me in mind of another !

This manner gives us an opportunity of making a transition more graceful. Thus, Cicero, just happening to mention the story of Piso having, while he was upon his tribunal, ordered a goldsmith to make a ring for him, as if this circumstance had started a sudden thought ; “ This story of the ring, says he, recalls to my memory a circumstance I had entirely forgot : How many brave, honest men’s fingers, do you think, he has stripped of their gold rings ? ” Sometimes we affect to be ignorant of a thing ; “ But who was the statuary, who made those figures ? Let me think—I have his name now, it was Polycletes.” This serves more purposes than one, as appears from the present instance ; for while Cicero here seems to be intent on one point, he gains another ; and while he reproaches Verres for his rage after statues and paintings, he avoids being himself thought to have a passion for them likewise. And when Demosthenes swears by the ghosts of the heroes who were killed in the battles of Marathon and Salamis, he lessens the reproach of the public, on account of the unhappy action at Chæronea.

A fine effect likewise proceeds from deferring to speak of somewhat we have mentioned, and consigning it, as it were, to the memory of the judges ; then calling for what you had thus consigned, and employing some figure (for the repetition is not a figure), in treating certain parts of it distinctly, and hanging upon others, till the whole of your pleading thereby is recommended by being diversified. For variety gives wonderful beauty to things ; and as the

the eyes dwell with more pleasure upon objects that are diversified, so the mind is always best pleased when gratified with novelty.

There is a kind of emphasis, which may be ranked amongst the figures, and is formed by some expression that discovers a secret meaning. Thus, when Virgil makes Dido say,

My life I, like the savage, might have led,
Free from the wocs that wait the bridal bed.

Here, though Dido seems to curse marriage, yet an expression escapes her which discovers that she thought a single life was only fit for the brutal part of the creation, and not for womankind. There is another stroke of the same kind in Ovid, where Myrrha confesses to her nurse the passion she had for her father.

How happy was my mother in a spouse !
Of a like, or the same kind, is that manner, which is now so much in use, and to which I now proceed, both because it is common, and because I suppose my readers are impatient till I handle it. I mean, when we give a hint, so as to make our meaning understood without expressing it ; not that this hint is to be of the ironical kind by being contrary to our meaning, but rather somewhat that is dark, and is, as it were, to be found out by the hearer. This manner, as I observed already, is almost the only figure that now prevails in schools, and hence arise our figured declamations.

We make use of it for three reasons ; first, if what we are to say is unsafe to be spoken without a figure ; secondly, if it would be indecent ; thirdly, because this manner is more graceful, and more pleasing, both by its novelty and variety, than the simple, downright manner.

The

The first reason frequently occurs in our schools where we often suppose tyrants to resign their government upon terms and acts of amnesty to pass after a civil war, which render it criminal to reproach any person with what is past; for the same laws are supposed to prevail in the school, as in the forum. But the figure is differently treated by the declaimer and the orator. The declaimer may be as severe as he pleases against tyrants, provided what he says can admit of a favourable interpretation, because his aim is to avoid danger. Now, if he can screen himself by an artful ambiguity, he meets with applause.

In real business there is no danger of offending against acts of amnesty; but there may be danger of a like, and a more difficult kind arising from the offence that may be taken from what you say, by a person in power, whom you must disoblige, before you can gain your cause. An orator, therefore, treads upon slippery ground, that requires all his circumspection; for the offence is the same, whether it is conveyed in a figure or not. And a figure ceases to be a figure when it is pushed too far. Some, therefore, reject all this manner of speaking by figures that are either understood, or obscure; but still, I think, we may fall upon a mean.

In the first place, we ought to admit no figures that are palpable, and therefore we ought carefully to avoid all expressions that carry a doubtful or a double meaning. Thus, a woman being suspected of having had a criminal conversation with her husband's father; the son, to apologize for his marrying her, says, I took a wife according to my father's liking. There is another manner which is still more impertinent and silly, I mean an imbiguous disposition of words, as in the case when a father, who was suspected of having debauched his own daughter,

asked her upon examination, Who, my child, debauched you? Her answer was, Do you not know, my father?

The matter itself ought to direct a judge in his conjecture, and this ought to be our only aim. In this case, a well-managed hesitation, backwardness, and unwillingness to speak, has a most excellent effect, by leading the judge into an inquiry after some circumstance or other, which, perhaps, he would not have believed, had it been flatly told him, but believes it from his fondness to think that he has discovered it. But let this manner be ever so artfully managed, we ought to be sparing as to the use of it. For figures, when too thick planted, become too palpable, and are more provoking, though less effectual. A judge, then, thinks it is not modesty but distrust of our cause, that hinders us from speaking out. In short, this figure looses all effect with the judge, unless he thinks that we are really unwilling to speak out.

I was once concerned in a cause, and what is pretty extraordinary, a real cause, which was so circumstanced, that it was impossible to gain it, without making use of the manner I am now speaking of. A lady, my client, was accused of having forged a will for her husband, and immediately upon his death, of having received a conveyance of his estate from the heirs mentioned in that will: which last circumstance was true. Now this was done because the wife was incapable of being left her husband's heir, and therefore he was obliged to make this will in trust for her. This defence, had we spoken it out, would have secured her life against the law; but then the estate must have been forfeited. My business, therefore, was to make the judge understand the real matter of fact, without it
being

being possible for those, who informed against the lady, to lay any hold upon what I said ; and I succeeded in both. This is a matter I would not have mentioned (for I hate to be thought vain), but I was willing to prove, that such sort of figures are likewise of use at the bar.

Sometimes, when you cannot prove an allegation, insinuation, by a figure, may be of great service. For insinuation, like a hidden weapon, sticks fast, and it is the more difficult to pluck it out, because it is hidden. But flat assertions are liable to a contradiction, and call for proof.

The next difficulty I mentioned was our having some powerful person, either by his character or interest, to encounter with ; and we are to be more cautious, because modesty is a stronger restraint upon a good man, than fear is upon a bad one. Here we must manage so, as that the judge may think we are industriously suppressing great part of what we know ; and that what we say bursts from us through the force of truth alone, notwithstanding all our endeavours to stifle it. For resentment, at offensive expressions, is greatly abated in the breasts, not only of the judges and hearers, but of our opponents themselves, if they think it against our will, that we throw them out. But by a too frequent use of this manner we may discover, not only opposition, but rancour. In such a case all we gain is to discover to the world that we are doing, what we are sensible we ought not to do.

This false manner prevailed mightily when I first began to teach, as a professor of eloquence. Gentlemen then took a delight to exercise themselves in controversies that had an air of difficulty, though perhaps, in fact, they were easier than any others. A matter of fact, when it is plain and simple, requires the utmost powers of eloquence to establish

it. Whatever is romantic and extraordinary contains such doublings and turnings, as favour a speaker's want of capacity. In like manner, as a person who is pursued betakes himself to turnings and feints, when he finds his pursuer is swifter. Meanwhile, I must observe, that this figured manner of speaking borders pretty near upon ridicule. The hearer too has a pleasure in thinking that he has been able to understand the hints that have been thrown out ; he applauds his own penetration, and plumes himself upon another's eloquence.

When decency is to be observed, with regard to character, the manner, and not the figure, is to be chiefly regarded. And yet the custom was, to have recourse to figures, not only in such cases, but in cases where figures were both useless and prejudicial. Thus, in the fictitious case of a father, who had privately murdered his son, whom he suspected of a criminal conversation with his mother, the person who is supposed to plead for the father has recourse to obscure hints and half sentences against his wife. Now, what could be more scandalous, than to observe any measures with such a creature, or still to cohabit with her as his wife ? Or what can be supposed more absurd, than that the accused person, by throwing out hints of his wife's detestible guilt, should discover, by his very defence, the shame he ought to conceal ? Would declaimers, in such cases, put themselves in the place of judges, they would be sensible how unsufferable such kind of causes are ; especially when parents are charged with the most execrable crimes.

Now, that I am upon this subject, I will enlarge a little more upon schools. For there an orator has his education, and, by declaiming, he learns how to plead. I must therefore touch upon those controverted subjects, that require not only figures of
insinuation

insinuation,* but such as are flatly contrary to the spirit of the cause: for instance, “ a person who is condemned for aspiring to sovereignty, is to be racked till he discovers his accomplices : the prosecutor of this person is to be gratified in whatever he shall desire. A son accuses his father of this crime, and he desires that his father shall not be racked, in which he is opposed by the father.” Here the declaimer, who acts for the father, never fails to make him throw out figures of insinuation, that while he is upon the rack, he will name his son, as one of his accomplices. How foolish is this ! For, whenever the judges shall understand the drift of the father, they surely either will not torture him, because they must be sensible of the reasons for which he desires it ; or, if they do torture him, they will pay no credit to what he says. But it may be said, this is what the father had in view, for thereby he escapes. Then let him dissemble his purpose, if he wants to bring it about.

But (I speak on the part of the declaimers) what is the use of the father's intention, if we do not make a parade in publishing it? Here give me leave to ask, should the case be real, whether we would publish such a secret intention in the father? But supposing this was not his real intention, and that the father had other reasons for opposing his son. For instance, he might be of opinion that the law

* Orig. *Asperas figuras* ; and this reading is retained by Bishop Gibson, Burman, and the best editions ; but I perceive that the Leyden edition reads *asperas*, which seems to be the true reading, though one commentator says he cannot comprehend the meaning of it. But, if he had looked a page or two back, he would have been sensible that our author was all this time speaking of the *asperæ figuræ*. *Figuria*, says he, *spargendæ sunt*. Though I translated this by the expression of, insinuation by a figure, yet the meaning plainly is, a figure which marks a subject, and rather hints at, than explains it.

ought to be observed to the rigour; he might disdain to be obliged to such an accuser; or, most probably, he might wish to have an opportunity of proving his innocence, even upon the rack. Therefore the ordinary excuse here must fail them; "I made the defence intended by the party." For, perhaps, he did not intend such a defence. But supposing he did, are we to plead foolishly, because he judged foolishly? For my own part, I very often think it is far from being proper to follow the instructions of a party in the defence we are to make for him.

Declaimers are often brought into another gross mistake, by thinking that sometimes a party speaks what he does not mean: especially, when they are declaiming upon a person who petitions for leave to put himself to death; as in the following case: A man who had formerly served his country with great bravery, in a succeeding war, demands to be dismissed from the service, because he was past fifty years of age. His son opposing his demand, the father was forced to serve in the army, but deserted. The son, who had done his country vast services in the same war, demands in right of his option, that his father's life and honour should be preserved. Here our declaimers make the father oppose the son: Not, say they, that he wants to die, though he pretends so; but because he wants to render his son the more odious. This supposition is, I think, really ridiculous, for they make the father to have the same cowardly sentiments that they themselves would entertain, were they in this situation, without reflecting upon the many instances we have of men, who have voluntarily put themselves to death, and upon the causes, for which this man, who had formerly behaved so well, must wish to die, after becoming a coward. But it is idle in me to particularize

larize one case. In general, I think, it is shameful for an orator to prevaricate;* nor can I understand where the dispute can lie, when both parties have the same meaning; nor that any man can be so stupid, if he is fond to live, to ask for death in so awkward a manner, rather than not ask for it at all. Yet I am far from denying that fictitious† controversies are sometimes of use.

For example, "A man is accused of parricide, and when upon the point of being condemned, he was acquitted by his father's evidence, of his having done it by his order. The father afterwards disinherited the same son." Here the father neither totally acquits the son, neither can he flatly disown the evidence he had given upon a former trial, but terminates his punishment by disinheriting him. And thus the father, by this fiction, did more than he ought to have done; and the son suffered less than he ought to have suffered.

At the same time, as we do not suppose that a person, in such a case, speaks any thing that is contrary to his real meaning, so it is possible he may mean more favourably than he seems to do, by the nature of the action he brings. "For example, a father disinherits his son, and that son sues his father to acknowledge for his own, a boy, who had been exposed, and whom the father had owned for his son by taking him home, after paying for his maintenance and education." Here the real design of the son, perhaps, is, to be re-instated in his inheritance; but we cannot say, that he is not in earnest in the prosecution.

* Orig. *pravaricari*. See Vol. II. p. 10, Note (*).

† Orig. *figurate controversie*. This is my author's meaning in English, for the Latin does not imply a figure in style, but a dissimulation of intention, though it is certain he does not always apply the word *figuratus* to that sense. The context will show what I have observed.

Sometimes

Sometimes a charge may have its weight, and yet not be proved. For instance: A man is prosecuted to the rigour of the law; at the same time the judge, by certain credible circumstances, is made sensible that rigour would, in that case, be injustice. This often happens to be the case, particularly in the following subject of declamation. The law is supposed to say, "That a ravisher is liable to the pains of death, unless within thirty days after he commits the rape, he shall not prevail both with his own father, and the father of the woman whom he has ravished, to forgive him. The criminal prevails with the father of the woman whom he has ravished, but is not able to prevail with his own father, and therefore brings against him an action of lunacy; in which, though the son may be nonsuited, yet the judge may be strongly prepossessed in favour of the son against the father, on account of his cruelty in not putting an end to the prosecution.*

The Greeks were fond of figures of the same nature. Themistocles thought it would sound harshly, should he flatly advise his countrymen to abandon Athens; he therefore desires them "to commit it to the care of the Gods." Another, advising them to melt down the golden statues of victory for the use of the war, softened the disagreeable part of his counsel, by telling them "they ought always to make a proper use of their victories." All this manner is in the nature of allegory, for the meaning is different from our expression.

It may be thought proper to inquire, in what manner we can best answer figurative speeches. Some think that the figures ought to be dissected,

* The two foregoing paragraphs have not been translated by Abbé Gedoyn; but notwithstanding their difficulty, I durst not venture to omit them, though I have two or three lines that follow in the original, which are impossible to be translated or understood, unless we could have recourse to the original pleadings quoted by our author, which are not now extant.

their blemishes exposed, and themselves cut off as morbid matter. This is very often the best way of treating them, because we cannot otherwise destroy them, especially if the figures are employed to establish the point in question. But when they are only employed by way of invectives, we are then justified in seeming not to understand them. However, if they are reiterated, so as that it is impossible for us to avoid taking notice of them, we are then to call upon our opponent to state fairly, and without ambiguity, the matter which he has wrapped up in an unintelligible jargon, and indirect sentences. We are to "hope that he does not presume the judges are to understand, far less believe, that which he dares not venture to express in intelligible terms." Sometimes, likewise, a figure may be defeated by our not seeming to understand it as a figure. For instance (and a noted instance it is), when a pleader solemnly called upon his opponent; "To swear by the ashes of his patron: "With all my heart," replies the other. And then the judge very gravely told them both (though he that called upon the other very strongly remonstrated against it), that he understood every thing in the literal sense, and that he had told them before, that he was not to be trifled with by their figures of speech.*

There is a third kind, which we employ merely for the sake of wit and ornament; and therefore Cicero says it has nothing to do with the merits of the cause. This manner is employed by himself against Clodius: "The most secret manner of devotion, says he, was known to Clodius,† and therefore

* The Abbé Gedoyn has omitted this passage; but, as I think it extremely pertinent to our author's purpose, I have given what I conceive to be the meaning of it.

† Alluding to his intruding himself at the celebration of the Eleusynian mysteries in a woman's dress.

he thought it would be easy for him to appease the Gods." Here, irony is very often applied likewise; but it never has near so fine an effect, as when we substitute one manner for another. Thus, one being engaged in a law-suit with a tyrant, who had resigned his power under an act of amnesty, by which all retrospects were forbidden under a penalty, said to him, I can bring no charge against you, but you may, and can, against me, for it is not long since I wanted to kill you.

It is a common, but, I think, no desirable practice, to employ an imprecation by way of a figure. Thus, one pleading for a son who had been disinherited; May he, said he, perish, who is to inherit my estate! For, unless an oath is absolutely necessary, it is incompatible with the character of a man of sense. And Cicero very elegantly takes notice, That swearing belongs to witnesses, and not to pleaders. And, indeed, the man who employs an oath for a little point of wit, deserves no credit; nor indeed any man who cannot swear as gracefully and awfully as Demosthenes did, in his oath which I have already mentioned.

The most inconsiderable figures of this kind are such as turn upon one expression; for we have an example of that kind in Cicero, who calls Clodia "a lady, who has the character of extending her good-nature to all the world, rather than of shewing her spite to any particular person."

I own, I do not see how comparison can be ranked amongst the figures of speech, since it sometimes forms the nature of a cause; and sometimes it has nothing of a figurative expression in it, as appears from the following famous passage in Cicero's pleading for Murena. "You get up long before daylight to give counsel to your clients, and he, that he may arrive in good time with his army to the end of
his

his march. You are awaked by the crowing of a cock, and he by the sounding of trumpets. You draw up a process, and he marshals an army. You make out securities for clients, he for towns and camps. He knows how to guard against the attacks of an enemy, and you against the inconveniency of a drain or water-spout." I am not sure whether this manner is not rather an ornament to the sentiment, than to the style; because the opposition does not turn upon generals, but particulars. Celsus and Visellius rank it amongst the ornaments of sentiments: Rutilius Lupus amongst those of sentiments, and words and style likewise; and he calls it an antithesis. Rutilius after Gorgias (not Gorgias of Leontium, but one who was his cotemporary), and Celsus after him, have added many figures besides those mentioned by Cicero; such as consummation, or the summing up many arguments into one point; consequences, syllogisms, threatnings, exhortations, and the like. But I disclaim them all as figures, unless they partake of some of the figurative manners I have mentioned. Celsus has mustered up a vast army more; but, as they are rather ornaments than figures, I may have an opportunity of speaking of them in another place, though some perhaps of the figurative kind may have escaped me; and if any new ones shall occur, I shall willingly admit them as such, provided they have any of the figurative properties I have mentioned.

CHAP. III.

CONCERNING VERBAL FIGURES.

VERBAL figures have always been changing, and, as custom prevails, are changing to this day; therefore

fore if we were to compare the language of our ancestors with our's, almost every thing we speak is a figure, as may be proved by a hundred ways of speaking,* even so late as the days of Cicero; but, I wish the innovations we have made are not for the worse. Verbal figures, however, are of two sorts; the one regards the propriety of speech; and the other, the beautiful arrangement of words; and though both are proper to be known by an orator, yet we may term the former grammatical, and the latter rhetorical.

Grammatical figures, as indeed every other figure, would be so many blemishes in a style, did they proceed from accident, and not from design; but they are generally established by authority, antiquity, custom, and sometimes for certain reasons. Therefore a deviation from the plainness and simplicity of speech is a beauty, if it is formed upon some of the plausible principles I have already mentioned. In one respect, they must be owned to be of great service to a language, by relieving us from the tiresome returns of common and daily expressions, and preserve conversation from that sameness which prevails among the vulgar. But this figurative manner is more agreeable if it is sparingly and judiciously used, as we would high seasoning to our meat; for, by affecting it too much, it loses the charms of variety. Some figures, however, are so very much in use, that they have almost lost the name of figures, and they may pass in the general run of conversation without making any impression upon our ears. But as to figures that are far-fetched and uncommon, and therefore more elevated, we are pleased by their novelty, but satiated by their

* Our author gives us several examples; as, *huic rei invidere*, for *hanc rem*; *incumbere illi*, for *in illum*; *plenum vino*, for *vini*; *huic adulari*, for *hunc*.

profusion. It is plain that the speaker did not meet them, but went to search for them, and dragged and collected them from the holes and crannies where they lay concealed.

The gender of a noun may be changed by a figure; and it is done by Virgil, but in cases where the feminine termination is annexed to words that signify either sex.* In like manner, verbs undergo figures,† because a passive verb may have an active, and an active a passive signification. A number is liable to a figure, by the plural being put for the singular, or the singular for the plural; as for example, The Romans are a warlike nation. Here the reason is plain, because the word nation, implies a plurality of individuals. Virgil says,‡

The boys who smile not in their parent's face,
No nymph his arms, no God his board shall grace.

Sometimes the parts of speech are changed, by placing a verb for a noun.§ Sometimes a verb is placed for a participle, and a participle for a verb.|| Sometimes the tenses are altered; for instance, Timarchides denies that he is in danger, instead of, denied. And the future for the present, This Ithacus wishes. In short, there are as many manners of making figures, as there are of making solecisms. Sallust, not from any desire of innovation, but from a love of conciseness, has been pretty bold with regard to figures. But I own, that when a manner of speak-

* Oculis capti talpæ, and timidi damæ.

† Arbitror, suspicor, &c.

‡ ——— Cui non risere parentes,

Nec deus hunc mensa, dea nec dignata cubili est.

§ ——— Et nostrum istud vivere triste

Aspexi.

Pers. Sat. 1.

|| Magnum dat ferro talentum,

Virg.

ing is once established, I am in doubt whether it ought to be considered as a figure; nay, we know manners of speaking now in common use, which were condemned both by Pollio, and by Cicero.*

Figures sometimes are recommended by their antiquity, of which Virgil was wonderfully fond, and we may perceive many of his lines in which he has had an eye to the antient dramatic poets. I shall mention one in that beautiful description of the shield of Turnus :

The monster seems to rage and glow the more,
The more the thunders of the battle roar.

Here the image is plainly taken from the following passage in the old dramatic poet ;

The more fierce public calamity grows, the more
keen he is upon mischief.

It is common for us to make use of the positive for the superlative degree, and a particular for a general address; says Virgil,

Plant not thy vines against the setting sun.
And again,

Oh let not sleep my closing eyes invade
In open plains, or in the secret shade.

Here the poet speaks to every body, though he seems to particularize one. Sometimes we may speak of ourselves in the third person; says Cicero,

* *Rebus agentibus, contumeliam fecit, for affici contumelia.*

I have translated as much from the original as I could do with any manner of propriety ; nor indeed should I have translated so much, had it not been that our author's remarks throw great light upon Virgil. What I have omitted cannot be translated into any language ; nor indeed is the sense of it very material to the Latin, it being what every school-boy knows ; not to mention that in fact it has been all said already.

Servius

Servius affirms, and Tullius denies. An interposition (called by the Greeks a parenthesis) may be likewise reckoned amongst the same kind of figures. An example of this we have in Cicero's pleading for Milo; When I restored you, my friend Cicero (for we often discourse together), to your country. To this some add, the hyperbate, not as it is a trope, but an apostrophe, that alters the manner of speaking, without changing the sense.

The Decii, Marii, great Camillus came,
And thou, O Cæsar, greater still in fame!

The same poet afterwards employs the same figure in a stronger manner, when speaking of the tyrant who murdered Polydore, he says,

Who, when he saw the power of Troy decline,
Forsook the weaker with the strong to join;
Broke ev'ry bond of nature and of truth;
And murder'd for his wealth, the royal youth.
O sacred hunger of pernicious gold,
What bands of faith can impious lucre hold!

DRYDEN.

Little or nothing different from this figure is that of transition; what shall I say, or where am I? We have a remarkable passage in Virgil, where he unites the parenthesis and the apostrophe:

Near this, the double Metius meets his fate,
(Thou Alba, faithful to the Roman state
Remainst) his quiv'ring limbs while coursers tore,
And Tullus triumph'd in the traitor's gore.

All such figures, whether they are effected by changing, adding, retrenching, or transposing, render a hearer attentive; and when they are properly managed, they never are tiresome; nay, their resemblance to blemishes renders them the more agreeable,

able, in the same manner as a little acid is an improvement in cookery. But this effect ceases, if they return too frequently; if they are not varied; or if they are too much crowded; because rarity as well as variety renders them entertaining, and keeps them from palling upon our taste.

There is a more penetrating manner of figures, which is not merely accommodated to elocution, but makes an agreeable, and even a strong, impression upon our passions and understanding. For instance, when an expression is repeated; thus, Cicero makes Milo say, "I have slain, I have slain, not a Spurius Melius." Here the first, "I have slain," is by way of indication; the second by way of affirmation, which gives a climax to the sentiment. This same manner is sometimes employed to increase compassion; thus Virgil, O Corydon, Corydon. This manner however may sometimes be applied ironically. The repetition of a word sometimes may be used, after an interposition of other matter. Thus Cicero, in his second philippic, says, "at a public auction, before the temple of Jove the Stayer, the goods of Pompey (how wretched am I! my tears indeed are spent, but my grief is lively), the goods, I say, of the great Pompey, were put up by the doleful voice of a public crier." And in his invective against Cataline, he says, "yet you live; you live, not to lay aside, but to swell, your audacious guilt." In another passage, he raises an effect wonderfully spirited, by the repetition of the same word, at the beginning of every sentence; "Art thou not abashed, by the nocturnal arms that watch the palatium? Not by the guards of the city? Not by the consternation of the people? Not by the unanimity of all our patriots? Not by the impregnable situation of this assembly? Not by the reproachful looks of the fathers of Rome?" The same manner,
at

at the end of a sentence, produces the same effect ; for instance, in his pleading for Milo ; “ Who demanded them? Apius. Who produced them? Apius. From whence came they ? From Apius. Some may think, however, that this example belongs to another figure, because every question has the same beginning and the same answer. I will give another and a very fine example of this manner ; Who are they that have repeatedly broke their most solemn engagements? The Carthaginians. Who are they that carried into the bowels of Italy a most inhuman war? The Carthaginians. Who are they who have laid our country waste with fire and sword? The Carthaginians. Who are they who are now imploring our forgiveness? The Carthaginians.

In comparisons, likewise, there generally is an alternate repetition of the same words at the beginning of every sentence ; for which reason I have marked comparison as a verbal, rather than a sentimental figure. Says Cicero, in his comparison between Sulpicius and Murena, “You get up long before day light to give counsel to your clients, and he, that he may arrive in good time with his army to the end of his march. You are awaked by the crowing of a cock, and he by the sounding of trumpets. You draw up a process, and he marshals an army. You make out securities for clients, he for towns and camps.” But the orator, not contented with this beauty, by the same figure inverts the order of persons ; “He knows how to guard against the attacks of an enemy, and you against the inconveniency of a drain or water spout. He is employed in enlarging territory, and you in regulating it.” The same figure sometimes places the word which begun a line in the middle of it. Thus Virgil,

Thee, Augia's groves, thee Fucine's lucid streams.
This manner may be varied through other parts of a
sentence.

sentence. "For his parents, many torments were invented, for his relations, many." There is a manner of making a narrative, and then turning it into repetition and division.

Behind me, Iphitus and Pelias came,
Iphitus aged was, and Pelias lame.

We have other examples of this manner in Cicero's pleading for Cluentius; one amongst many is as follows; "Here, fathers conscript, appear your doings, glorious doings indeed; but, as I have said, they are not mine but your's."

Sometimes the word which finishes one period begins the next, and this manner is frequent among poets;

I sing to Gallus, muses bring your aid;
Your aid to Gallus, never was delay'd.

The same manner is not unfrequent with orators, as Cicero says of Cataline, "The traitor lives; lives! did I say? he mixes with the senate." Of the same kind is the following, where the like sentiment is kept up through the several members of a period; "I gave him up to all dangers, I exposed him to all deceit, I abandoned him to all envy." "This, my lords, is your decree, this is your opinion, this is your determination." Some call this manner, *metonymy*, others, a *disjunction*; and both terms are proper, though they vary in being separate denominations for the same thing.

Sometimes we have an aggregation of words of the same signification. Says Cicero to Cataline, "Since such, O Cataline! is the situation of your affairs, finish what you have planned; for once march out of the city; her gates are open, they invite you to be gone." And in another place he says, "Cataline is gone, he is vanished, he is escaped, he is sallied out." Cecilius thinks that in this manner
there

there is a pleonasm, or a redundancy of words, and likewise in the following passage from Virgil, "I myself saw before my eyes." But I have already observed, that an unnecessary redundancy of words is a blemish in eloquence; but, here, by Virgil's management, it gives strength and colouring to the affirmation; for every word contains an idea. I therefore cannot see why Cecilius blames this passage in particular, for he may as well give the term of pleonasm to every expression that is redoubled, repeated, or added.

Sometimes, we make use of not only an aggregation of words, but of sentiments with the same meaning. Says Cicero, in his pleading for Roscius, "Presumptuous guilt is the fury that torments; an evil conscience the frenzy that rages; and stinging reflection the terrors that distract." Circumstances of different meanings may likewise be aggravated. "He was impelled by a woman, by the cruelty of the tyrant, by affection for his father, by blind resentment, rashness, madness." I cannot agree with those who call this manner a complication of figures, since it proceeds upon one single figure, admitting of various words, some of them signifying the same, and some a different, thing. Thus Cicero says, "I appeal to my enemies, Whether all those matters were not traced, found out, laid open, removed, undone, extinguished by me." Here three words have one signification, and three have another. The last example, however, and the foregoing, by throwing out the conjunctions form another figure which is very beautiful, when we are speaking earnestly and eagerly, because every word makes an impression, and the objects are multiplied.

This figure, which you may call the figure of disjunction, is made use of not only in single words,

but sentences. Thus Cicero, speaking against Metellus, says, "Such of the accomplices as were discovered, were called in, committed to custody, brought before the senate, examined in the Senate." Opposed to this is a figure that abounds with conjunctions often repeated; Thus Virgil, speaking of the Libyans, describes them as having, "each man a house, and a fire-side, and arms, and a Spartan dog, and a Cretan quiver." Both those figures are formed upon the same principles, for the disjunctive gives keenness and earnestness to a style, while the re-iteration marks the passion, which, as it were, forces out the same words again and again.

The gradation, or climax, is effected by an art, which is less disguised, and more palpable, and therefore it ought to be more sparingly used *. The following is a fine example of this figure; "Africanus, by application, acquired merit; by merit, glory; and by glory, envy." We have another example from Calvus: "We have now no more trials for oppression, than for treason; no more for treason, than for public corruption, no more for public corruption, than for bribery; no more for bribery, than for every violation of every law." We have some examples of this kind amongst the poets, as when Homer deduces the migration of a sceptre, from the hand of Jupiter to that of Menelaus. And one of our dramatic poets brings a progeny from Jupiter to his own times.

Some figures suppress words, to give the style more conciseness and variety. I have already spoken of the synecdoche, which is a figure of that kind, and its property lies in the meaning of a sentence being fully comprehended, notwithstanding the suppression. Thus Cælius, speaking against

* In the original, there is an example from the oration of Demosthenes for Ctesiphon; but it is so depraved that I have followed the Abbé Gadoyn in not translating it.

Antony,

Antony, says, "The Greek to be astonished with joy." Here the word began is understood, though it is suppressed. And Cicero writing to Brutus, "No talk but of you—for what better?"—There is a figure akin to this, where certain expressions are withheld for decency sake. Virgil, for instance, makes one of his shepherds say,

I know both how and where—the goats stood by,
The nymphs were kind and laugh'd.—

Some call this figure *Aposiopesis*, or the figure of silence, but I think improperly; for in the *Aposiopesis* we do not, all at once, see what is suppressed, and it requires several words to supply it, but here only one word is wanting, and you instantly find it out.

I have already touched upon the figure that is effected, by throwing out the copulatives; but there is a third, which is effected by the junction of several sentences to one word, to which they all refer; for instance, "Modesty was defeated by lust, bashfulness by boldness, reason by madness." "Thou, O Cataline! art none of those, whom the sense of shame reclaims from dishonour; fear, from danger; or reason from rage." It is by a kind of application of this figure we call our descendants of both sexes our sons, we mingle singulars with plurals, and sometimes it connects two circumstances that are quite different from one another; for example, "The covetous man is in want of what he has, as well as of what he has not." Some refer to this the distinctions between resembling virtues and vices; for example, "To your cunning you give the name of wisdom, of valour to your presumption, and of economy to your avarice;" but as this manner is entirely resolved into definition, I am in doubt whether it can be called a figure.

A transition

A transition from one quality to another, of a similar kind, is another manner.

By lab'ring to be brief, I grow obscure.

Another figure is calculated to strike our ears, and to raise our attention, by a collision of similar, equal, or opposite words. This we call a *paronomasia*, and it is effected in several manners, and the same words may occur in different cases of the same sentence. For example, "Of all things she is ignorant, in all things she is unhappy." A word, by being subjoined, often acquires more significancy, "The man who devours another, is he a man?" These examples are easily imitated by a skilful redoubling the same word, "This law, says Cicero, was not a law to private men." This last example is pretty much the same with another kind of figure, which we may call *refraction*, that is, when one word is introduced into the same discourse in two different senses; for example, "Says Proculus to his son, you are always wishing for my death." "I do not wish for it, father," answers the son. "But, sirrah," replies the father, "my desire is, that you may be always wishing for it." Some effect is likewise raised from the similar sound of words introduced in the same sentence; for example, "He was roosted where he ought to have been roasted."* This manner is next to that of punning. "Redress is not to be had from a red-dress." Says Ovid,

Furia, why should I not thee fury call?

But this wit is low even in conversation, where jests are allowed: I am therefore surprised that ever

* The low manner, here taken notice of by our author, ought to be carefully handled; and it is impossible literally to translate the examples he brings.

they

they should be recommended by any rules ; and the examples I have given ought rather to induce my reader to avoid, than to follow, this manner.

There is great elegance, however, when a similarity of words is retained, so as to mark a distinguishing property. We have an example of this in Cicero's invective against Catiline. " This public pestilence, says he, will thus be repressed for a time, but not suppressed for ever." The same thing is sometimes done by a change of prepositions. For example, " Will you suffer him, I say, to escape, so that he may seem not as driven from, but into the city ?" It is very beautiful and spirited, when the play of words is reconcileable to the dignity of sentiment ; for example, " By being mortal he purchased immortality." But this manner is detestable when it degenerates into a gingle ; for example, when one plays upon the similarity of names and words. Scipio looked sheepish : " Fathers conscribed, said one, let us not act as if we were circumscribed." " Because he had a share in the plow, he wanted to have a share in the government."

Sometimes, however, a sentiment may become spirited and beautiful, merely by being conveyed in words that have a similarity in sound.* Some old orators were extremely careful to keep up an antithesis, by opposing, to one another, words of a similar sound, cadence, or termination. Gorgias carried this practice to extravagance, and Isocrates struck

* Here our author gives an example from his father, who it seems was a pleader, but it cannot be translated into English. A certain person said, he would die in his command, rather than return unsuccessful ; but happening to return unsuccessful in a few days, says Quintilian's father to him, *Non exigo uti immoriaris legationi, immorare* : " I expected, said he, that you would not fail, though you did not fall, in your command."

pretty much into it in his younger days; nay, Cicero had a taste for it; and it is far from being disagreeable as he managed it, by putting it under regulations, and by making the weight of the sentiment an over-balance for the puerility of the manner. For, that which of itself would seem an insipid, trifling, piece of affectation, far from being stiff and forced, appears natural and easy, when the sense and the sound coincides.

Similarity of words is effected in four manners. First, where the sounds are the same, or pretty much the same: poppies and puppies; flame and fame; hop and hope. Or when words have the same termination; "I expected a purse, and not a curse." And this manner has a very fine effect when it coincides with the sentiment: "A loyal subject may be sometimes susceptible of dissatisfaction, but never of disaffection." Secondly, two divisions of the same period may end alike, as in the last example. Alliterations, or redoubling of letters at the ends or beginnings of words, are continued through several expressions. For example; "It was tiresome, tedious; and in Latin, Cicero says, "Abiit, excessit, erupit, evasit." Thirdly, where the cadence falls upon the same cases, though without similar terminations, and they answer regularly to one another, either in the beginning, middle, or end of a sentence. And sometimes the middle answers the beginning, and the beginning the end; just as conveniency offers. "The protection I lately lost, says Domitius Afer, though it did not screen me from danger, yet it saved me from despair." Fourthly, Similarity may consist in all the members of a sentence being equal, that is, answering one another in sense and situation. For example; "If impudence, at the bar and in courts of justice, is as powerful as violence is in wilds and

and deserts, my client must be as unequal a match for his opponent's impudence here, as he was for his violence there." This manner has a very fine effect.

The antithesis, or the counterpoising one word by another, is effected by a regular correspondence of one word with another ; as, " Modesty was defeated by lust ; bashfulness by boldness ; reason was defeated by madness." Sometimes two words are opposed to other two ; " Not my capacity, but thy courage." Sometimes one sentiment to another : " Let envy be powerful in assemblies of the people, but let her be humbled in courts of justice." Here we may very properly add an antithesis, which is marked by a distinction ; " The people of Rome are foes to private luxury, but friends to public magnificence." But I shall now give an example from Cicero, which contains all the beauties of this manner. " This, my Lords, is a law, not adopted by custom, but inherent to our being ; a law not received, learned, or read, but an essential, cogenial, inseparable character of nature ; a law which we have not by institution, but by constitution ; not derived from authority, but existing with consciousness." Here, through the whole of this quotation, we see every property has its opposite. But this is not always the case ; witness the following example from Rutilius. " To us the immortal Gods first gave corn ; we were the sole proprietors of that gift, and we distributed it through all lands. Our ancestors left us a commonwealth, and we have delivered our allies from slavery."

A figure may likewise be formed by a conversion of terms, as when Socrates said, " I do not live that I may eat, but I eat that I may live." And in the following example from Cicero, where the cases undergo a mutual conversion, which is so managed,
that

that both members of the sentence end with the same tenses. "That without envy, the guilt may be punished, and without guilt the envy may be laid aside." The following is an example of another kind: "For though the skill of Roscius is such, that he seems the only man worthy to tread the stage, yet his life is so amiable, that he appears alone worthy to be exempted from that profession." There is likewise an agreeable manner of opposing names to one another: "If Antonius is consul, Brutus is our enemy: If Brutus has preserved his country, Antonius is our enemy."

It is needless for me to descend to farther particulars, because this subject has been handled by writers, who have not considered it as part of their work, but have composed whole treatises upon it, such as Cæcilius, Dionysius, Rutilius, Cornificius, Visellius, and several others. And many moderns now living have equal merit on the same account. To say the truth, it is possible for one to invent many more figures of speech; but I deny it is possible for him to invent any that excel those which are to be found in our eminent authors. For Cicero, that great master of eloquence, in his third Book, concerning the character and qualifications of an orator, mentions many figures, which by omitting in his *Speaker* (a treatise which he wrote afterwards), he seems himself to have condemned. Some of them are sentimental, rather than verbal, figures. And some of them are no figures at all. I shall therefore omit mentioning those authors who have carried the art of inventing figures to an excess, and have confounded the argumentative with the figurative manner.

There is one short piece of advice I think proper to give with regard even to real figures, which is, that as a judicious application of them embellishes a style,

e, so an immoderate hunting after them renders ridiculous. Some speakers there are, who, neglecting the weight of argument, and the power of sentiment, think they do mighty matters, if they turn a twist a parcel of empty words into figures, and therefore they go on to string them together without . But it is as ridiculous for a man to aim at eloquence, when he has no meaning, as it would be to aim at gesture and attitude without a body. In the most beautiful figures ought not to be too much sown. We know that the command of features, and the turn of the look have fine effects in reading; but if a man was for ever to be rolling out, and torturing his eye-balls, twisting his features, and knitting his brows, he would be laughed at.

Eloquence in her appearance is open and ple ; but though her features ought neither to be sensible, nor unalterable, yet the look which nature gives her, sits in general most gracefully upon her. The great accomplishment of an orator is to know how to speak most suitably to place, character, and occasion ; for the property of most of the figures I have mentioned is to please the ear. But when an orator is to raise the emotions of detestation, hatred, or compassion, can we bear him, if he sobs, weeps, and deprecates in time and measure, smooth-turn'd periods, and a delicate cadence? Upon such occasions, a curious choice of periods makes a speaker's sincerity suspected, and the more he discovers, the less credit he obtains.

CHAP. IV.

CONCERNING COMPOSITION.

KNOW not if any part of Tully's oratorical works more laboured, than that concerning composition.

Therefore, I should not have presumed to have touched upon that subject after him, had not several writers, his cotemporaries, in letters addressed to himself, ventured to find fault with his rules about composition. And several, since his days, have published treatises upon that subject. Therefore, in general, I agree with Cicero. And with regard to those points, which are uncontrovertible, I shall be concise. But, perhaps, I shall be more diffuse, where I differ from him; yet while I am laying down my own judgment, I shall leave my reader to his.

I am sensible that some are against all study of composition, and maintain that an unpolished style, the words standing as chance directs, is the most manly, as well as the most natural. Now, if, by natural, they mean a style dictated by pure nature, without the least polish or cultivation, no part of our art can there take place. For mankind at first spoke without rules or instruction; they knew not how to prepossess by an introduction, to instruct by a narrative, to prove by arguments, or to work upon passions. They were, therefore, ignorant of all those particulars, as well as composition; but if it is wrong to improve upon their manner, it was wrong for their posterity to exchange their huts for houses, their hides for cloaths, or their mountains and woods for towns and cities.

Where is the art that has existed since the beginning of the world? Is there aught that may not be meliorated by culture? Why do we bind up the vines, why do we dig round them? Why clear our fields of weeds, since the soil produces them? Why do we tame animals which are untractable by nature? But because whatever is best accommodated to nature is most natural. Now, is a thing that is rude and unconnected, stronger than what is well compacted

pacted and well placed? For if some fops* in literature mince and fritter their style, while others indulge themselves in wild rants and extravagant flights, are we to call any thing of that kind composition? Observe with how much more force a river proceeds, when it rolls along without obstruction, than when its stream is divided, broken, and weakened by interposing stones and rocks; in like manner a well-connected style, delivered with its full powers, is preferable to that which is rough and ragged.

Why therefore should we imagine beauty to be incompatible with strength, since skill improves the force of every thing, and art is always accompanied by gracefulness? Have we not the greatest pleasure in beholding the course of the javelin that is delivered with the greatest address? And the archer, who knows how to aim his arrow with superior skill, is always the most graceful in his appearance and attitude. In all combats and exercises of arms, they who have the finest motions, and the most dextrous address, are most successful either in assaulting or defending.

In my opinion, therefore, composition serves, as it were, to give force and velocity to sentiments, as strings or engines do to projectiles. Therefore every man of knowledge and experience knows, of what vast efficacy composition is, not only in pleasing the ear, but in moving the passions. For in the first place, that which strikes against our ear cannot enter into the mind, to which the ear is, as it were, the vestibule. In the next place, nature is delighted with harmony. As a proof of this, musical instruments, when finely touched, without any expression of words, lead the hearer from one affection to another,

* Orig. Ut Sotadeorum, & Galliamborum.

as the master pleases. In our sacred entertainments of music, some notes are fitted to rouse, and others to allay, the passions ; some are fitted to inspire courage, and others to move compassion ; and the notes of an army's march to battle are different from those of its march to a rendezvous. It was a constant practice with the Pythagoreans, while upon the watch, to rouse their spirits by the notes of the lyre, that they might be more vigorous for action ; and the same lyre, when they went to rest, composed and soothed their minds, and settled every tumult of the thought. Now, if there is so powerful, yet silent, an effect in airs and tunes, the same effect must be much more powerful in eloquence.

As it is of great importance to find proper words for our sentiments, so it is of equal to turn those words in such a manner, as to produce a pleasing and harmonious period. Sometimes a sentiment may be but low and the exertion mean, yet a fine effect may arise from the composition alone ; nay, what may appear to us strong, harmonious, and beautiful in the elocution, shall lose all its power, delight, and gracefulness, if we transpose and change the order of its words. Cicero, in his *Speaker*, makes this experiment upon some passages of his own ;* where by altering the order of the words, they become as so many broken, pointless darts, that fall short, without doing execution. He likewise cor-

* Though the observation here is extremely just, and applicable to the English language, yet the passage of Cicero is not to be translated with a view to its harmony, the particular property of which is incommunicable in another tongue, as the reader may judge from the original, which is, " Nam neque me divitiæ movent, quibus omnes Africanos & Lælios multi venalitii mercatorum superarunt." Cicero says, that a slight alteration in the disposition of the words would spoil the effect of this period, viz. "Multi superaverunt mercatores, venalitique."

some passage in the orations of Gracchus, which ought were harsh. This was noble in that great r of eloquence ; but let us be contented with merit of bracing whatever is slack, and of round- whatever is rough in our own compositions. For ought we to have recourse to foreign composi- when we may make the experiment upon our writings ? One thing I am convinced of, that ore beautiful a period is, either in sense or osition, the more disagreeable it appears when isarrange its words. For the neglect of the cement becomes more remarkable by the bril- of the expressions.

n therefore ready to acknowledge, that perfect osition is the finishing excellency of an orator, t the same time, I must be of opinion that the ts applied to composition as far as their skill ed. Neither does the great authority of Cicero lf persuade me that Lysias, Herodotus and idides, disregarded composition. The manner h might be different from that of Demosthenes to, each of whom had a different manner.

prightly cadence must have corrupted and de- d the fine delicate diction of Lycias, because it have spoiled the gracefulness of that simple, cted manner which is his characteristic, and urt the credit which it commanded. For we remark, that the orations he wrote were to be nced by other people, who being ignorant iterate, he was obliged to suit his compositions h characters ; and this, of itself, is the great composition.

to history-writing, its manner ought to be and rapid, without being broken by full-turned s, without admitting those breathing-places so ary for a pleader, and those arts which the often employs in the beginning, and the close of

of a sentence. Meanwhile, when Thucydides introduces a speech into his narrative, we meet with some harmonious cadences, and well-marked distinctions. As to Herodotus, if I am a judge, his manner is harmony itself, and the dialect in which he writes is so agreeable, that it seems to comprehend every latent property of music. But I shall hereafter consider their different purposes; at present I am to instruct my orator in the best manner of composing.

In the first place, then, one kind of prose style is close and compacted; another, such as that we use in letters, in conversation, is loose; unless when we treat of subjects out of the common road of either: such as philosophy, or government, and the like. I do not mean that even a loose, detached style, has not peculiar cadences and numbers, which are perhaps more difficult to hit upon, than those of the other manner; for neither conversation nor epistolary writing ought to be upon a perpetual yawn by sequent vowels, or void of proper stops, but to shun a laboured fluency, and a close adhesion, and all studied regularity, of words. Nay, instead of being constrained, they will be rendered easy by measures and numbers.

Sometimes, in petty causes, the same simplicity of expression is graceful; but this arises from a peculiarity of the numbers, which comes not within the rules of art; and even these are so disguised, that they are not immediately perceptible, but by their effects.

But as to the close and compacted prose-style, it admits of three forms, distinguished by commas, colons, full-stops, or periods. And in this kind of composition three requisites are to be observed—order, connexion, and numbers. As to order, it takes place in single words, or more; with regard to

the former we are to avoid a dwindling of style, for whatever is weak ought to be subjected to what is strong. Thus, sacrilege is a higher crime than theft, and robbery than impudence. For every sentence ought to rise and gather strength in its progress, as in that fine passage from Cicero, when he mentions Anthony's "Throat, sides, and prize-fighting person;" for there, somewhat that is greater succeeds what is more inconsiderable; and the sentence must have dwindled, had he proceeded from the person to the sides, and from thence to the throat. In some cases, nature dictates the order. Thus, I would mention men before women, day before night; the rising before the setting of the sun, or any other body, rather than the reverse. A word may be too preposterously placed as to become redundant: Brothers that are twins; we say no more than if we had said twins.

I am against too great an exactitude, by placing the nominative always before the verb, the verb before the adverb, the substantive before the adjective and the pronoun. For the opposite practice has often an exceeding good effect. I disapprove likewise of those, who are so scrupulously exact, as to tie themselves down to the order of time, so as never to mention one thing, without mentioning what went before. This, in general, I own is right; but a matter may be so circumstanced as that a posterior fact may be of infinitely more consequence than the antecedent, which, for that reason, ought to be postponed.

Where the matter will suffer it, it is by far the best manner to terminate a period with a verb. For the energy of style lies in verbs. But should that manner occasion any roughness, we must consult harmony; as was done frequently by the greatest of the Greek and Latin poets and orators. Where the verb
does

does not close the period, the hyperbate takes place. And indeed it may be ranked amongst those tropes of figures that improve a style. For we have no occasion to weigh every quantity of a word that enters into prose. Therefore we can remove them from one part of a sentence to another, where they may stand the most conveniently : just as in a mass of rude stones, even the largest, and the most unshapely, may find a place where it can serve to use and advantage. Most happy is that style, where regular order and proper connexion falls in with an harmonious cadence.

I have already observed, that some transpositions are too long ; others do hurt to the style ; and they are affected merely to give it an air of gaiety and gallantry ; for instance, a description which Mæcenas gives us, * where he introduces a gaiety of expression and ideas, upon a very melancholy subject.

Sometimes a word has great energy, by standing in a particular part of a sentence, and, in another part of it, would be either over-looked or overclouded. Thus in Cicero's description of Antony's debauches, by placing a certain word † in the close of a period, he gives it a wonderful effect, which would be quite lost, if it stood in any other part of the sentence. After used, especially in his introductions, that he might give his style an air of simplicity, to finish his period by some transposed word, because being an enemy to all the enchanting delicacy and smoothness of periods, while they were gliding pleasingly on, he threw in some expression to interrupt and disturb their current ; for example,

* Orig. Sole & aurora rubent plurima. Inter sacra movit aqua fraxinos. Ne exequias quidem unus inter miserrimos viderem meas.

† Orig. Ut tibi necesse esset in conspectu populi Romani vomere postridie.

Heartily,

heartily, my lords, do I thank you.* And in his pleading for Lælia, By them both, before your tribunal, my client is brought in danger. It is perhaps needless to inform my readers that an injudicious disposition of words in a period gives it often an ambiguous meaning. Thus much I thought proper to speak concerning the disposition of words. or if that is ill-judged, a period may be both fluent and harmonious, yet must the style be considered as careless and slovenly.

I am now to speak of smoothness. And that consists in words, parts of sentences, and periods. or all their beauties and blemishes consist in a proper disposition. That I may treat of these in order: in the first place, some blemishes are so palpable that they hurt even the most uninstructed; for instance, when the last syllable of one word, and the first of the next, running into one another, form a word that is unseemly and indecent; or when, by a concurrence of vowels, a period is made to yawn, to hobble, and, if it were, to groan.

Long vowels, following one another, have the worst effect; especially when they are such as require an extension of the throat and mouth. This is not so observable in the collision of the (æ) or the (i), when the first vowel is pronounced full, and the latter quick. A short vowel after a long, or a long after a short, is not very disagreeable; and two short vowels together are less so. In short, a collision of vowels is more or less disagreeable, according as they require the same or a different extension or compression of the organs. Meanwhile, we are not to consider this as a matter of mighty moment, and I know not which extreme is worst, that of neglecting, or

* Orig. Gratias agam continuo. Eis utrisque apud te iudicium periclitatur Lælia.

regarding, it too much. For, very often, too great a fear of falling into it interrupts the beautiful career of eloquence, and diverts the speaker from nobler considerations. Therefore, as it discovers negligence to fall into this fault, so it is mean to be always in a panic for fear of it.

There is some reason for blaming the followers of Isocrates, and especially Theopompus, for their over-scrupulous attention to this point; of which Demosthenes and Cicero were less regardful. For the melting two vowels into one, which we call a synaloepha, may render a period smoother than it would be, were each word to end with its own terminating vowel. Sometimes there is a grace in words that require a large extension of the mouth; for, thereby, they acquire an air of dignity.* For the long syllables, which we call the preferable ones, give time to breathe, which is necessary, where there is a great concourse of vowels. Here I shall introduce the words of Cicero upon this subject: "As to the yawning and concourse of vowels, it contains somewhat that is indeed effeminate, but, at the same time, it discovers a negligence that is not quite ungraceful; because it shows a speaker to be more intent upon his matter, than his expression."

With regard to consonants, those which are sharp are apt to have a disagreeable effect by their hissing or snarling; for example, when an (s) falls in with an (x) Virtue's Xerxes; Art's Studies. For this reason some † have been known to suppress the (s) at the end of a word, when the next word begun with another consonant, especially an (s). This practice is blamed by Lauranius, and defended by

* The example given by our author is,
Pulchra oratione acta omnino jactare.

† Viz. Servius.

Messala. For it is thought that Lucilius, the old Latin poet, omitted the last (s) when he was to say, *Serenus fuit*, and, *Dignus loco*. This, Cicero tells us, was a common practice with old orators,* *even with regard to other final consonants*. They used to say, *Belligerare*, *Po'meridiem*; and Cato the censor said, *Die' hanc*; thereby softening the (m) into an (e). When ignorant people met with such examples in old books, they used to correct the orthography; and by blaming the ignorance of the copyist, they exposed their own.

There is a peculiarity in the (m), that when it ends a word, which precedes another word beginning with a vowel, it is almost sunk; for instance, *multum ille, quantum erat*. Here it sounds almost like another letter, and, without being entirely suppressed, it serves as a barrier between the two vowels.

Care ought likewise to be taken, that the last syllables of one word are not the same with the beginning syllables of that which immediately follows. The reader will not be surprised that I recommend this caution, when he reflects, that Cicero himself falls into the error in a letter to Brutus.† He repeats the same oversight in the following line.

A blessing sing, for thy most happy hap.

Too many monosyllables, succeeding one another, have likewise a bad effect; for they necessarily make the period hobble, by containing so many stops and rebounds. In like manner, we ought to guard

* These words in Italics are absolutely necessary, in order to make sense of this passage, for they have slipped out of the original.

† Orig. *Res mihi invisæ visæ sunt*, Brute. I think our author has not properly considered this passage; for the repetition here blamed seems to have been purposely introduced by Cicero.

against

against too long a series of either short or long words ; because they render a style tiresome. For the same reason, we ought to avoid stringing together similar cadences, terminations, or cases ; and introducing verbs upon verbs, and the like, without interruption ; because, even the beauties of style become tiresome, unless they are aided with the charms of variety.

We are not tied down to the same rules with regard to sentences, or parts of sentences, that we observe with regard to words ; yet, even in the former, the beginnings and endings may fall in with one another. But, in composition, we ought to take great care to observe the order in which we place our words. Cicero gives us an example of it in his description of Antony's shameful behaviour after his debauch.* But he reverses this beautiful order in his pleading for Archias, when he says (for I often repeat the same examples to make them familiar to my reader), rocks and deserts are respondent to the voice ; music has charms to soothe and tame the horrid savage. Here, I say, were the order of the words reversed, the sentiment would rise and improve in its progress ; but, though it is more difficult to move stones than brutes, yet the order in which Cicero has arranged the words is the most graceful. I will now pass to numbers.

Whatever regards the structure, the dimensions, and the connexions of words, consists either in numbers, which are employed according to their length or shortness, or in measures, which are applicable to lines. Now, though both numbers and measures are composed of feet, yet the difference between them is material ; for numbers consist in a

* Nam & vomens frustis esculentis, vinum redolentibus, gemmum suum & totum tribunal implevit.

certain space of time, but measures require order likewise. The property, therefore, of the first is quantity, and of the other quality.

In numbers, the feet may be equal; for example, the dactylus, which contains a long syllable equal to two short ones. Other numbers have the same property; but this is best known. For every school-boy knows, that a long syllable contains two times, and a short syllable only one. The proportion may likewise be sesqui-alteral, that is, it may contain two quantities; the last of which must be equal to one and a half of the other. The pæon is a foot of this kind; for it contains one long syllable, and three short ones. Equal to this, are three short ones and a long one; or any other quantities that bears the same proportion as nine does to six, or thirty to twenty. Or the proportion may be double; for example, the iambus which consists of a short and a long, which is in the same proportion as a long and a short.

In the dactyl, considered as a foot, it is indifferent whether the two short syllables come first or last, because there time is only regarded. But in a verse, an anapest, or a spondee, cannot stand for a dactyl, and the pæon must begin with a long syllable. A line of poetry, likewise, does not admit of one dactyl or one spondee to stand for another. For example, the following line in Virgil has five dactyls immediately succeeding one another.

Panditur interea domus omnipotentis Olympi.

Here, if you alter the position of the dactyls, you destroy the whole structure of the verse.

Even prose * has its feet; and very often, with-

* I have here omitted some part of the original, which can be of no manner of service to an English reader, because it is applicable only to Latin verse. What I have translated of that kind may be of use, even in English compositions.

out our being sensible of it, it runs into all kinds of measures. Nay, we have had grammarians so over curious, that they have reduced prose works into Lyric and other measures. But Cicero again and again says, that all the beauty of disposition consists in numbers or notes ; and he is blamed by some, as if he wanted to bind prose down to the laws of verse ; for versification consists in notes or numbers, according to Cicero himself : and Virgil after him says,

I have the numbers, if I knew the words.
And Horace speaks of notes or numbers unsubjected to rule.

The following passage is likewise objected to in Cicero : “ Nor would Demosthenes have brandished so many thunderbolts, had he not, by numbers, given them force and rapidity.” Here, I cannot be of opinion, that Cicero meant that the style of Demosthenes was set to notes ; because notes have one certain regular effect, and a regular return, which is far from being the case with regard to the style of Demosthenes. The meaning, therefore, of Cicero is noble, and he often repeats it, that he requires a composition to be harmonious according to its subject ; and that a style should approach nearer to that justness of numbers required in poetry, than to that broadness and clownishness which disregards all kind of melody. In like manner, as we love to see a young gentleman discover by his air and motions, that he has learnt his exercises, rather than that they should resemble those of a professed master or a mere clown. But the causes that effect the happy and musical turn of a period certainly deserve some name ; and I know no other name than that of numbers, oratorical numbers, if you will ; in like manner as we call an enthymema, an oratorical syllogism. For my own part, that I may shun those reflections

reflections, which were thrown out even against Cicero, I hope it will be understood, that when I speak of numbers, I always mean, and always have meant, oratorical numbers.

The business of arrangement is to connect together words that are established, selected, and which have a determined meaning. For words which are void of that are to be rejected for others, however harsh their combinations may be. Meanwhile, a speaker may select a word out of many, that signify the same thing, and have the same force. He may even add a word, if it is not quite impertinent. He may suppress one, if it is not essential. He may, by means of figures, alter his cases and numbers; and this variety, even without harmony, is often agreeable, because it gives gracefulness to the composition. In composition, reason may be for one word, and custom for another; and either then may be chosen, as best suits the author's purpose. He is likewise to use his discretion with regard to melting one syllable into another, and in whatever does not hurt the sentiment, or the expression. But in this matter his great business is, to know the particular use and place of every word; and this is the great art of composition; the effect, which the arrangement of words has, being but a very inferior consideration.*

The management of numbers, however, is much more difficult in prose than in verse. For in the first place, a verse is shut up in a few words, but in prose a period may have a large sweep. Secondly, one verse is always like another of the same kind, and certain rules are stated for all verses. But unless prose affords variety, its sameness grows tiresome, stiff, and affected. Besides, the numbers of prose

* This must be our author's meaning, for the original is very depraved.

are diffused through its whole body and substance ; because every thing we speak must necessarily consist of long and short syllables, out of which metrical feet are composed.

Harmony, however, is chiefly required, and most perceptible, in the close of periods ; for there the sentiment ends ; and an interval naturally divides it from the beginning of the subsequent sentence. Besides, after the ear has followed a period that is kept up to its close, and is entertained, as it were, by a fluency of style, it is in the best condition to judge of its harmony. The glow of diction then ceases, and thereby we gain time for reflection on what we have heard. For this reason, a period, by being closed, becomes neither harsh, nor abrupt, because the mind thereby recovers afresh its recollective faculties. Here eloquence shines forth with all its powers ; the hearer has his full gratification, and nothing but applause succeeds.

Next to the close of a period, its commencement requires our utmost care ; for there the hearer is all attention. But there is not the same difficulty in the commencement as in the close ; for words in the commencement of a period, being detached from the preceding ones, are not governed by them in their cadences. But let preceding words be ever so well arranged, they lose their gracefulness, if the close of the period is abrupt and precipitate. Nay, it may happen that two periods may close with the same numbers, yet the one, by coming too abruptly to its close, may have far less grace than the other. In this respect, Cicero, in one or two instances, is thought to have fallen short of Demosthenes.* Even

* The original here is extremely depraved, nor are the examples brought from Demosthenes and Cicero by our author, applicable to the English language, though his general observation certainly is.

in verse; the closing a line with a word that has a great many syllables, renders it weak and spiritless. And we may say the same thing of prose.*

The middle of a period likewise demands our attention, so that it may be well connected, without being drawling or tedious; and without falling into another and a worse fault, that of its consisting of short, quick, pert words, which gives it a sound like that of a child's rattle. For though our greatest cares ought to be employed about the beginning and close of a sentence or period, yet the middle too makes its impression, and requires proper, though slight, pauses; in like manner, as a man's foot, while he is running, leaves a print.

We are therefore not only to take care how we begin and close our sentences and periods, but likewise how to arrange the middle part; though it is connected, and without any full-stop or breathing; for that too admits of certain, though concealed, pauses. The following passage contains only a single sentiment, and requires but one breath to pronounce it: I have observed, my lords, the whole pleading of the prosecutor, to be divided into two parts. Yet even here are proper pauses to relieve the breathing of the speaker, without discontinuing it.

An entire verse is quite unpardonable in prose, and even part of a verse stands in it with a very bad grace, especially if the period begins with words that would stand properly at the beginning of a verse, or ends with such as might properly close it. But the reverse practice has often an excellent effect; for we may very well begin a period with words which might form the end of a verse, and close it

* This observation is certainly true with regard to English verse, but I think it is not applicable to English prose.

with

with those which might begin it.* Above all, a period is very improperly closed by the end of an hexameter line. An example of this we have in one of the epistles of Brutus: For they chose not to have guardians or advocates, though they were sensible that Cato loved their cause. But in epistolary writing, such as this is, the blemish is less sensible, because the style there admits of almost as much freedom as conversation does. This proves that such tags of verses will drop unwittingly from us. But Brutus was apt to fall into this error from the over-care he had to render his style smooth and flowing, as Ennius often, nay Cicero sometimes, does the same. Witness the first words of his pleading against Piso: Immortal gods!† to what are we reserved?

Prose compositions admit of all the feet made use of in poetry. But those feet that are most full and long give the greatest weight to a style; the short make it quick and fluent. All are serviceable in their proper places; for a style must be egregiously faulty, if grave, solemn, quantities are employed in those passages which require quickness; and swift, rebounding quantities, in those that require gravity.

The observations, however, that I have made upon the quantities that enter into a prose style, are not introduced to prevail with an orator, whose style

* Great part of the original here is rendered unintelligible by the transcribers and editors. Therefore I have omitted it. But were it not, it is entirely accommodated to the genius of the Latin and the Greek languages; and so far as can be judged of it, it is not a little fanciful, even applied to them. I have translated all that can be of use to an English reader.

† Here follows a long and no very instructive dissertation in the original concerning Greek and Latin quantities, which I have omitted; because a man of a good ear, copious elocution, and tolerable judgment, can easily compass all that is intended by it, and they can be of service to no man without these qualifications.

ought to be free and fluent, to spend his time in measuring feet and weighing syllables. Miserable and trifling must such a business be ! The man who should wholly apply himself to that, will have no time to bestow on matters of greater moment ; for, abandoning all regard for sense or elegance, he will employ himself, to speak in the terms of Lucilius, in suiting stones for Mosaic pavements, and shells for flowers, and grotto-work. Such littleness damps the heat, and weakens the force of genius ; as we check a horse in his career, and rein him in when we want him to amble. No, numbers never will be wanting, if the composition is just. In prose, as in verse, we set about it, without, at first, hitting upon the proper cadences. The ear directs us, and by the fortuitous repetition of the same cadences, we observe when they become harmonious ; and then, by examination, we find them just and measured. Practice therefore, in writing, is sufficient to instruct us in this part of composition, and will give us a habit of arranging our words with grace and harmony.

After all I have said, I am to observe, that we are not so much to regard the scanning of a prose period, as its whole sweep ; for poets do not so much regard the five or six feet that form a verse, as they do the genius of poetry, that is to inspirit the whole. For poetry was practised long before it was observed, and Ennius very rightly says,

That fauns and oracles indited verse.

Composition, therefore, in prose, is the same with versification in poetry. Now the ear is best judge of composition. If a period is full, the ear is satisfied ; if defective, the ear requires somewhat more. If harsh, it is hurt ; if gentle, it is soothed ; if spirited, it grows eager ; it rests upon whatever

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is firm ; it hates all lameness ; and loaths all redundancy. Learned men, therefore, judge of composition, by the art it requires, as well as the pleasure it gives: the unlearned by the latter only.

But certain points are not to be communicated by rules. The continuation of the same case may give disgust; then we are to change it. But have we any rule into what other case we are to change it? No. Figures often, by their variety, relieve a style that must flag without them. But what figures are we to employ? Without doubt, both verbal and sentimental. But for this we can lay down no particular rule; all we can do is to consult the present time, occasion, and circumstances. The different pauses, which are so material in composition, can be found only by the judgment of the ear. Why may one period, consisting but of a few words, be full, nay, redundant, while another, which consists of many, seems short and unfinished? Why, in other periods, the sense may be complete yet still somewhat defective appear. Says Cicero, All of you, my lords, I believe, are sensible, that for some days past, this has been talked of amongst the vulgar; it has been the opinion of the Roman people. Here, why does the orator say, *some days past*, rather than, *some days*; especially as it would not have created any harshness? I really can give no reason for this. All I can say is, that I am best pleased with the words as they stand. Where is there any occasion to add any thing after the word *vulgar*? I can say nothing to that. All I know is, that my ear would not have been fully satisfied without the additional words, repetitory as they are. The ear therefore is the only judge. A man may not know the meaning of the words *severity*, and *smoothness*, in composition, yet nature may instruct him in what learning does not; for he will

will be sensible of it in himself. But nature herself is to be worked upon by art.

It is the great business of an orator to know, how to suit his composition to his subject. Here two things are to be considered, first the feet, next the composition arising from the feet. I shall first speak of the latter. I have already observed, that they may be reduced under three heads: the words bounded by commas, those by colons or semi-colons, and those by full stops. The former makes part of the colon, or semi-colon, according to the general opinion. But, I think, it may imply likewise, a sentence without a period. Had you no house? But you had. Had you money? But you was in want. I have finished my pleading; I will now produce my witnesses. Here, I have finished my pleading, though bounded by a comma, is in fact a sentence.

The words bounded by a colon, or semi-colon, which I call a member of discourse, may indeed be a sentence with a period; but being severed from the body of the discourse, it has, in itself, no meaning. Cunning rogues! is a complete member, but it is as useless in discourse, when it stands unconnected, as a hand, a foot, or a head would be, when severed from the body. In like manner, O cunning measure! O formidable abilities! Here it may be asked, When does this member come to be of use to the body? The answer is, not till the period is complete. Was there a man amongst us, who did not foresee the measures you have taken? This, Cicero gives us as an example of a complete, but very short period. Thus we see that commas and colons are generally mingled together, and require to be closed with a period.

Cicero calls a period by several names, such as that of a round, a circuit, a sweep, an extension, and
2 a just

a just conclusion. Periods are of two sorts, one that is simple, containing a single sentiment rounded by several words. Another which consists of commas and colons, and containing many sentiments or objects; as in Cicero's description of Verres, He had with him the goaler of the prison, the butcher of the prætor; and so forth.* Every period may count at

* I have already observed, that I have in this chapter omitted great part of what is to be found in the original. But besides the reason I have mentioned, I mean that of its being useless to an English reader, I have another, which is, that I am very doubtful, whether all that is said there, concerning the application of metrical feet to prose compositions, really came from our author. It is plain from what I have translated, that he himself thought such minutenesses to be of little or no use in prose compositions. And he has comprehended, in a very few words, all that, in this respect, can be useful even to a Latin style. But we are further to reflect, as I hinted on a former occasion, that our author was succeeded by swarms of ignorant assuming professors, who read his works in their schools, and added to, altered, or curtailed, them, as they thought proper. To keep such interpolations from the knowledge of the public, it was necessary for them to destroy the most genuine copies of his book. This, more than probably, is the reason, why all the manuscript copies of it are so modern, mutilated, and incorrect. The passages, I am now translating, seem to have suffered greatly from the same causes.

For this reason I shall, after Monsieur Rollin, endeavour to give a concise state of what is generally understood on those heads. A period contains a sweep of words and sentiments, till the sense becomes full. For example, "The liberal studies employ us in youth, and amuse us in old age; in prosperity they grace and embellish, in adversity they shelter and support; delightful at home, and easy abroad, they soften slumber, they shorten fatigue: and enliven retirement."

By the consideration of the above passages, the reader will easily comprehend the meaning of a period and its divisions.

It is either simple or compound; an example of the former is, "Cæsar by being unambitious would have been happy." A compound period admits of two, three, but seldom of above four members. For then it runs into discourse. The above simple period may be turned so as to be an example of one with two members. "Cæsar, if he had been void of ambition, would have been happy." An example of three members is, "instead of tarnish-

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at least for two members, but it sometimes admits of more than four, which I take to be the middle number, in order to render it complete. Cicero assigns it as much length as four hexameter verses contain, or as many words as we can command, without taking breath. The properties of a period are to terminate the sense, in a clear and intellible manner, and to bound it so, that the memory may easily contain it. When the members, or the inferior stops are too long, they grow tiresome; when too short, they are slight and slippery.

In all pleadings that require keenness, eagerness, and exertion, we throw in the inferior stops, with quickness and smartness. For it is a great property in speaking to bring your composition to answer your subject, to give to a harsh matter, a harsh cadence, so that your hearer shudders as you proceed, and is affected as you are affected. In narratives we generally make use of members, or if we employ a period, we disengage, and, as it were, unbrace it, to make it appear free and unconstrained. But this is to be understood only of the instructive part of a narrative; for when it requires ornament, the arrangement must be artful, smooth, and melodious. Witness, when Cicero, in his narrative against Verres, introduces the rape of Proserpine.

The period stands very properly in the introduction to causes of great consequence, the subjects of which call for expressions of anxiety, favour, or compassion. It is likewise of service in all general topics, and in all cases that require to be ampli-

ing his virtues by ambition, had Cæsar been moderate, he would have been happy." A period of four members runs as follows, "instead of tarnishing his virtues by ambition, had Cæsar been moderate, his life would have been happy, and his death lamented."

fied;

fied; with this difference, that, when you are the accuser, the turn of the period is to be pointed and severe; but if the defendant, insinuating, loose, and gentle. It is likewise of great service in winding up a pleading; but the whole force and majesty of it ought to shine, when the judge, besides being master of the cause, begins to be charmed with your eloquence, commits himself to its guidance, and yields to the delight it gives him.

History does not so much require to be wrote in regular numbers, as in disengaged, yet connected, periods. For each member of it is interweaved with another, because it is always gliding and flowing, as when men, by holding each other by the hand, keep their steps firm in slippery places, and each gives strength and support to the other. All the numbers in the demonstrative kind requires a cadence that is more easy, free, and disengaged. As to the deliberative and judiciary kind, it comprehends many various subjects, and, therefore, requires great variety of cadences.

Here, I am to treat of the second consideration which I mentioned. For there can be no doubt that some matters are to be delivered with gentleness, some with spirit, some in a sublime, some in an earnest, and some in a weighty, manner. The sublime and the weighty require longer syllables than the ornamented. The gentle require to be delivered leisurely, while the sublime and ornamented require strength and clearness likewise. I would recommend quickness to arguments, divisions, jokes, and whatever borders upon conversation.

As to the introduction of a pleading, its composition ought to be varied according to the nature of the subject; for I cannot agree with Celsus in thinking that all introductions ought to have the same cast, and recommends the following from
Asinius,

Asinius, as a pattern for them all, "Cæsar, were we at liberty to chuse from all men that now live, or ever did live, a judge to decide this matter, we could fix upon none more agreeable than yourself." I am far from saying that this period is not well composed, but I deny that it ought to be the model for the beginning of all introductions. For, in preparing the mind of a judge, we must assume various characters: sometimes that of distress, sometimes bashfulness, sometimes keenness, sometimes severity, sometimes insinuation, sometimes we are to implore clemency, and sometimes to exact rigour. As all these are different properties, so they require different manners of composition. Cicero, however, uses the same cadences in the several introductions to his pleadings for Milo, Cluentius, and Ligarius.

A narrative requires a gentle, and what we may call a modest, cadence, and suits better with nouns than verbs.* For though verbs may render it concise, yet they make it swell at the same time; and too much of either property must be very inconvenient, when the sole purpose of the speaker is to inform and print matters in the mind: in general, I am for having the members of a narrative to be long, but its periods short.

When the argumentative part of a pleading is keen and spirited, the numbers and cadences employed in it ought to be suited accordingly; but without making too great use of the trochæus, which is quick indeed, but without force. In general, when we use a mixture of long and short feet, I am against the former exceeding the latter. As to the elevated parts of a discourse, they require

* The original here is very obscure, if not unintelligible: the general sense of the paragraph, however, is obvious.

expressions that are sonorous and full, and naturally fall in with the majesty of the dactylus, and the pæon, which last figure is sufficiently slow, though the greatest part of it is composed of short syllables. Sharpness and severity, on the other hand, chiefly run upon iambics, not only because those feet, consisting only of two syllables, beat as it were more quickly, than is consistent with slowness, but because they always keep up the spirit of a style; for they set out with a short foot, then they fall and support themselves upon a long. And in this respect they are preferable to the choreus, which sets out upon a long, and then sinks upon a short foot. As to the submissive part of pleading, which is generally employed in its winding up, its cadences ought to be slow, soft, and insinuating.

Celsus pretends that there is a composition of a superior nature to any I have laid down. If there is, I either know it not, or it must be somewhat that is very tame and very spiritless; qualities which unless they are directed by the nature of the pleading, are in themselves tiresome and despicable.

To say all I have to say on this head, our composition ought to resemble our pronunciation, unless in an impeachment, when we are to fire the judge with resentment and indignation. Do we not generally set out with slowness and submission of voice? Does it not become full and clear in our narrative? Does it not rise and improve into a quicker motion in the argumentative part, which animates us likewise with a more spirited action? In sentimental and descriptive parts, is not our elocution easy and flowing, and generally broken and faltering, when we come to wind up the pleading? Is not even the action of our body regulated by a certain measure of time? And the modulation of our voice, in speaking, as much directed by

notes, as the motions of our feet are in dancing ? Has not our voice and action always a resemblance to the subject we are handling ? And can we be surprised at the same effect in the movements of eloquence, that the sublime should walk majestically along, the tender leisurely, that the eager should run, and the delicate flow ? Nay, sometimes we swell, when we have occasion, into the bombast of the following line, which is composed of spondees and iambics.

Hyperoargus sceptrā mihi liquit pelops.

Upon the whole, however, were I obliged to chuse, I should prefer a composition that is harsh and rough to one that is effeminate, and enervate, such as that which is in use amongst the modern orators, who are every day debelitating eloquence by suiting it to notes more proper for dancers than speakers. It is true, that no composition can be so excellent as never to admit of variation, and always proceed on the same feet. For poetry alone is tied down to certain laws of versification, be the subject what it will ; but in prose we ought carefully to avoid every appearance of sameness, because, besides its proceeding from palpable affectation, it is tiresome and loathsome both to the hearer and reader. For we are to consider that the more sweet a thing is, the sooner it surfeits. And the orator, who aims only at being melodious in one strain, forfeits all regard to sincerity without being able to create one emotion, or to touch one passion. Can a judge believe what such an one says ? Can he be touched with his grief, or fired with his resentment, when he sees him intent upon nothing, but this tinsel bauble ? Nay, it may be proper sometimes to introduce, into our composition, an artful disorder, to give it an air of inadvertent

vertent sincerity, and to take from it all suspicion of art. And this perhaps is the most artful part of an orator's business.

Meanwhile, we are not to observe in composition too great distances between corresponding words, because we may thereby discover an affectation of gracefulness, and above all things, we are never, for the sake of a cadence, to throw aside any word that is proper and significant. No word can be so unwieldy, as that it may not be suited with a proper place where it may stand; unless all we hunt for is the smoothness, and not the gracefulness, of composition.

Neither can it be surprising that the Latins have been more curious than the Athenians were, as to composition. For we are to consider that the Latin language is neither so copious, nor so graceful as the Greek; a consideration that justifies Cicero for deviating a little, in this respect, from the manner of Demosthenes. But in the last book of this work, I shall explain the difference between the Latin and the Greek language.

I shall conclude this book with observing, that composition ought to be nobly agreeable, and diversified; and that its parts are three, order, connexion, and harmony. It requires judgment in adding, retrenching, and changing. We ought to suit it to the nature of our subject, and our great care ought to be bestowed upon sentiment and expression. And whatever harmony we give it, ought to be disguised so, as to appear natural, and not artificial.

QUINCTILIAN'S INSTITUTES

OF

• E L O Q U E N C E .

BOOK X.

CHAP. I.

CONCERNING THE BENEFIT OF READING.

THE rules I have already delivered, necessary as they are for the instruction of a young orator, are far from being sufficient to render him eloquent, unless he acquires a settled habit, a certain happy faculty in practising them. Now, the question is, Whether this is most effectually to be attained by writing, by reading, or by speaking. This might be a proper subject for minute discussion, were it possible to attain it by any of these qualifications singly. But, so connected, so blended, are they with one another, that, when any one of them is wanting, the rest become inaccessible; for eloquence never can acquire solidity and strength, without receiving powers from the practice of writing; and that practice is useless, unless it has for its director that critical knowledge, which can be acquired only by reading. But, let a man be ever so much master of the critical and speculative parts of eloquence, unless he possesses the abilities of carrying them readily and properly into practice
upon

upon every occasion, he can be considered only as master of a treasure which he cannot use.

Meanwhile, though an acquirement may be indispensably necessary to eloquence, yet it may not be of the greatest efficacy towards forming an orator. Speaking is the chief business of an orator, and therefore his first care ought to be to learn elocution; and it is plain that this forms the groundwork of eloquence. Imitation comes next, and perfection in writing completes the whole. But, as it is impossible to come to the summit but by fundamentals, so, the nearer we approach to it, the more inconsiderable these appear.

But I am not here to handle the rudiments of eloquence (which I have sufficiently, or at least to the best of my abilities, already discussed), but as the master of an academy, after giving his pupil rules for his exercises, instructs him how to practise them in earnest, so I am to instruct the young orator, after he knows how to invent and dispose his materials, and how to chuse and arrange his words in the best and the easiest way of carrying into execution what he has learned. Now there can be no manner of doubt, that an orator ought to lay up a magazine of stores, which he is to employ as occasion shall offer, and this magazine must consist in materials, or things and words.

With regard to materials each cause is peculiarly circumstanced; few are alike: but all causes require words. Could a single thing be expressed only by a single word, we should, in this respect, be under no great difficulty; because the word must then present at the same time with the thing. But as some words are more proper, more ornamented, more significant, and better sounding, than others, we ought not only to have them in our head, but, if I may so speak, in our eye, and in our hands,

so

so as to be able readily to employ the best, out of all that present themselves from the store-house of knowledge.

I am sensible, indeed, that some orators have got by rote, collections of words signifying the same thing, that they may the more readily employ one out of many, and having used one, should occasion call for it again, they may make use of another of the same signification; that they may thereby avoid a repetition of the same word. But this piece of knowledge, besides being puerile and painful; is of very little use; for, all such an orator does, is, to amass a rude heap, from which he takes the first word that comes to his hand, without distinction. For my part, I regard the powers of eloquence, and not a random volubility of speech, and, therefore, the stores that I recommend must be collected with judgment, and used with skill. This can only be done, by reading and hearing whatever is best in its kind. This will make us not only acquainted with words, but will enable us to give each thing the term that suits it best, and to place it to most advantage. For there scarcely is a term in language (excepting a few, that are indecent), that may not enter into a pleading. Nay, even indecencies are often applauded in the works of iambic poets, and in our old comedy. But it is the business of an orator, to risque nothing from indecency, or lowness of expression. There is not a word, but those I have already excepted, that may not be employed to the greatest advantage. An orator is obliged sometimes to employ expressions that are vulgar and mean; and terms that would appear groveling in a polished part of his pleading, have propriety when introduced with judgment.

It is impossible for us to acquire the knowledge of all this, and not only the signification, but the declensions

declensions and conjugations of words, so as to apply them fitly, but by great practice both in reading and in hearing ; for all language enters at first by the ears. As a proof of this we are told of a king, who placed dumb nurses to attend certain young children brought up in a desert place, and that these children pronounced words before they had the gift of speech.*

Some words are of such a nature, that though they signify the same thing, it is quite a matter of indifference which we make use of. For example, a dagger or a poignard. Other words are proper to certain things, and yet, by a trope, they are applied to the same thing, and convey the same idea ; as for example, this sword, and this steel. And whoever murders another privately, in whatever manner or with whatever weapon he does it, we say, he cut his throat. To express some things, we make use of circumlocutions, as Virgil, to express a great cheese, calls it, a large quantity of pressed milk. We have likewise several ways of expressing a simple thing by varying the terms. I know, I am not ignorant, it has not escaped me, I am very sensible, I am not insensible, who does not know ? No man can doubt. Sometimes we borrow from neighbouring qualities and senses. I understand, I perceive, I see, often signify no more than, I know. Now reading will furnish us with plenty and variety of such expressions, and not only teach us how to use them readily, but properly. For such terms are not always convertible. To express his understanding a thing, a man may say, he sees it. But it would be improper for him to express his seeing a thing, by saying that he understands it.

* We have this story from Herodotus, l. 2. c. 2. who refers it to Psammetichus, a king of Ægypt ; and he says, that when the children were hungry, they called out *becos*, which in the Phrygian language signifies bread and food.

A sword

A sword gives us the idea of steel, but steel does not always give us the idea of a sword.

But as by the methods I have recommended, I mean those of hearing and reading, may give us a copiousness of words, yet we are not to employ them for the sake of words only. For the examples which suggest to ourselves, are of more efficacy towards perfection, than the rules themselves that are laid down. Because, when a student is capable to form an example to himself and to apply it, he must have come to that point of perfection, as to be sensible of propriety and beauty without a master, and is able to proceed without any assistance, because he can now practise from the orator, what he had before only learned from the master.

Reading and hearing have their several and separate advantages. In hearing, the speaker arouses us by his spirited action; he fires us, not with ideas and imaginations, but with realities. All is alive, all is animated; the impressions we receive are new, pleasing, and interesting; for we are interested not only in the event of the trial, but in the success of the pleader. Add to this the graces of voice and action judiciously disposed, and properly exerted. In short, the whole of what the speaker says and does gives us equal instruction, especially as what we had before in idea, we now see in reality, and thereby it becomes more powerful.

In reading, however, our judgment is more certain; for while we are hearers, we are apt to be imposed upon, either by our own prepossessions in favour of the speaker, or by the applause his speaking meets with from the other hearers. A man is ashamed to be singular in censuring, and he has within him a certain secret check, that bids him not trust too much to his own opinion. Thus it happens, that what is faulty often pleases the majority,

jority, or venal flatterers get the better of private dislike. Sometimes the reverse happens; and an ill-judging audience does not relish even the greatest beauties of eloquence. In reading we are more disengaged; we are not hurried away by the force of action, we are at freedom to review the words again and again; and either to satisfy our doubts, or to imprint their beauties more deeply upon our memory. I therefore recommend a review and examination of what we read, in the same manner, as macerating the food we swallow, assists digestion. For when what we read is not crude and raw, but dressed and prepared by frequently reviewing it, it becomes more proper either to be remembered or imitated.

But the authors upon whom we take all this pains, ought to be the most excellent in their several kinds, and the least liable to impose upon our judgment; we ought however to read them with attention, and even go so far as to reduce what pleases us to writing. Neither are we to examine them partially; but after we have read over the whole of a composition, we are to begin it anew, especially if it is an oration; because there the beauties are often industriously concealed. For an orator makes use of prepossession, dissimulation, and art, and frequently in the first part of his pleading, he lays down that from which he is to draw the greatest advantages towards its close. A thing therefore may not effect us at first, because we may then be ignorant of the speaker's motives for introducing it. And therefore we ought to review and examine the whole, that we may be thereby enabled to form a thorough and complete judgment of what we read.

It is likewise of the utmost importance that we make ourselves masters of the subject of the orations we read, and, as often as possible, to read their answers

swers likewise: such as that of Demosthenes against Æschines; those of Servius Sulpitius and Messala, wherein the one prosecutes, and the other defends, Aufidia: of Pollio and Cassius in the trial of Aspernas; and many others of the same kind. Where the match is unequal in point of eloquence, we must have recourse to an answer for the sake of information: such as that of Tubero against Ligarius, defended, and of Hortensius for Verres, prosecuted by Cicero. It is likewise of great service to know, in what manner different orators have handled the same cause: we have a pleading of Callidius, in favour of Cicero's estate; and Brutus composed an oration for Milo, merely to try his talents; though Celsus is under the mistake of saying, that he actually pronounced it in public. Pollio and Messala defended the same parties; and when I was a boy, very fine pleadings for Volusenus Catulus by Domitius Afer, Crispus Passienus, and Decimus Lælius were handed about.

The rising orator, in the course of his pleading, is not to imagine, that every thing composed by a great author is equally finished: no; great authors sometimes slip; sometimes they sink under their burden; sometimes they give too much way to the pleasure of imagination, and the bent of genius; sometimes their spirit droops, and the faculties sometimes are wearied out. Cicero, for instance, thinks that Demosthenes nods; and Horace, that Homer himself slumbers. These in their several ways, were great men; but then they were no more than men. And it often happens, that they who lay down whatever such men wrote, as infallible rules, imitate their blemishes, and think they resemble a great master, if they follow him in his faults.

In

In judging however of those great men, we ought to be diffident of ourselves and circumspect, for it often happens that we condemn what we do not understand. The most eligible extreme however, when we are reduced to judge positively, is to approve of every part, rather than to find fault with much of their compositions.

Theophrastus is of opinion, that the reading of poetry may be of great service to an orator; and in this he has been followed by many, and that with great reason; for from poets we learn to give animation to circumstances, sublimity to words, every emotion to passions, and every grace to characters; all which properties are of great use to an orator, whose spirit may be exhausted through daily application to his business at the bar, and therefore requires to be recruited by the charms of poetry. For this reason it is that Cicero recommends, at leisure hours, the reading of the poets.

Meanwhile, we are to observe, that the orator is not to imitate the poet in every respect; for he is to avoid the licentiousness of his expression, and the boldness of his figures; remembering that poetry is calculated to strike and amaze; that all its aim is to delight; that it succeeds not only through fiction, but improbability, and that the public indulges it, because poets, being tied down to certain measures, are not always enabled to make use of proper terms; and being compelled out of the direct road of expression, they are obliged to take refuge in certain purlieus, as it were, of style, and are forced not only to alter the sense of some words, but to lengthen, to shorten, to convert and divide them, differently, from their original meaning.

But we orators must remember that we stand under arms, in the array of battle; that we are to fight for a most important prize, and that all our
aim

aim ought to be victory. Not that I would have an orator's arms to be dirty and rusty: no; they ought to be bright, but their brightness ought to be that of steel; a brightness that strikes at once the soul and the eye; and not the feeble glitter that is shed from gold or silver, and which, instead of being useful, is dangerous to the wearer.

There is in history a soft and agreeable moisture, which may be serviceable in nourishing eloquence. But while we read it, we are to remember that what are beauties in the historian are generally blemishes in the orator. History is next to poetry as to its composition, it being a kind of a poem without quantity. It is writ merely to narrate, and not to prove; and the whole of it is calculated, not for the immediate purpose, or a present dispute, but to hand facts down to posterity, so as to do honour to the historian's genius. And on that account it avoids all tediousness of narrative by the freedom of its language, and the boldness of its figures.

For this reason, the conciseness of Sallust, which to the critical, the disencumbered, reader, sounds so justly, is improper for an orator to employ before a judge, who is seldom a man of much learning, but always a man of great business, and intent upon a thousand other considerations. On the other hand the diction of Livy, though flowing with milk and honey, is insufficient for the information of a judge, searching not after the beauty of Language, but the truth of facts. Let me observe farther, that Cicero thinks the diction of neither Thucydides nor Xenophon is proper for an orator, though he owns the style of the one to be as animated as the sound of the trumpet, and that the muses spoke from the mouth of Herodotus. An orator, however, may in his digressions sometimes adopt a flourish from history, provided that when he comes to the main question, he

he remembers that he is to do execution as a soldier, and not to perform feats of activity as a wrestler, and that the glossy robe said to be worn by Demetrius Phalereus, suits ill with the dust and the bustle of the forum.

History, however, in another sense, may be of very great use to an orator, though foreign to my present purpose, by furnishing him with a knowledge of things and precedents; a most important knowledge to an orator! who must otherwise be obliged for it to his client. But let him be careful as to what he adopts, and that it be from the most undoubted antiquity; and those kinds of precedents or examples will have the greater weight, because they can lie under no suspicion of being calculated to gratify favour or resentment.

Orators have yielded up to philosophers the chief part of their profession, and, therefore, have themselves to blame that they are obliged to be so much indebted to the reading of philosophers. For philosophy is chiefly employed upon the subjects of justice, honesty, and utility, and their opposites. It likewise treats of divine matters, and its arguments are close and keen. Nay, this Socratic manner is very proper to form the future orator to all the business of altercation, and examining witnesses or parties. But, even here, we must use a caution, like what I have already recommended, by remembering, that though we deal in the same subjects, yet there is a vast difference between pleaders and disputants; between a court of justice, and a school of learning; between teaching rules, and trying causes.

CHAP. II.

CONCERNING THE AUTHORS THAT AN ORATOR OUGHT TO
READ—THEIR CHARACTERS AND EXCELLENCIES.

HAVING said thus much to recommend the practice of reading, I suppose it will be generally expected that I should add somewhat concerning the authors proper to be read, and concerning the excellencies that distinguish each. This would be an endless labour, were I to be particular upon every one. If Cicero, in speaking of the Roman orators, employed so many pages of his *Brutus*, (though he was silent as to all his cotemporaries, excepting Cæsar and Marcellus) what volumes must I write, were I to characterize particularly, not only all who lived with, and after, Cicero, but all the Greeks, and all poets and philosophers. It is therefore a short, and a safe, rule, which Livy recommends in a letter to his son, when he says, "that Demosthenes and Cicero ought to be read till the reader attains to as near a resemblance as possible to Demosthenes and Cicero." I cannot, however, help giving my own opinion: which is, that there are few or none of the antients, whose works have survived the injuries of time, that may not be serviceable to an orator, who shall read them with judgment; especially as Cicero acknowledges himself greatly indebted to the reading of the most antient authors, who were men of great, but artless genius.

My judgment of the moderns is pretty much the same; for, is there an author so despicably infatuated, as to publish works, no part of which gives him the smallest glimpse of hope that they will descend to posterity? If there is, he is discovered by reading a few lines, and we throw him aside without

out any waste of time in making a farther experiment. But we are not to imagine that a smattering of knowledge, that some merit in style, will immediately communicate to an orator the diction I am recommending.

But before I come to characterize particular authors, I must premise some general observations concerning the variety of opinions on this head. Some think the ancients are the only authors that can bear reading, and that we can no where else find natural eloquence and manly strength. Others are charmed with the wanton, pretty, pleasing, style of the moderns, suited to soothe the multitude. Others mind nothing but speaking to the purpose. Others think, that a concise, dapper, manner, rising very little above common conversation, is the true and genuine attic style. Some are charmed with the elastic spring of genius, with its fire, force, and spirit. Many are in love with the manner that is all gentleness, beauty, and neatness. I shall examine all those different sentiments, when I come to treat of the style that is most proper for an orator.

Meanwhile, I shall just touch upon the advantages in general which they who read in order to improve their eloquence, may read from the authors they read; and for that purpose I shall only mention the most eminent; because it will be easy for a man of learning, from them, to form a judgment of the others. This I premise, lest any one should blame me for omitting an author that is perhaps his favourite; which may, indeed, be the case, because I shall omit many that are worthy to be read. But all that I am now recommending is that kind of reading, which can best qualify a student to be an orator.

As Aratus thinks proper to begin his work *

* Viz. his Poem upon Astronomy; he was cotemporary with Theocritus.

with

with Jupiter, so I cannot begin this review better than with Homer. To him we may apply what he himself says of the ocean, that it furnishes all rivers with their force, and fountains with their streams. For he gave the example, and was the source of every part, of eloquence. In great subjects none ever exceeded him in sublimity, or, in small ones, in propriety. He is free though regular, and agreeable though grave; his copiousness and conciseness are alike wonderful, and his oratorical, are as eminent as his poetical, powers. To say nothing of his panegyrics, his exhortations, and his condolences, does not his ninth book, which contains the deputation to Achilles; his first book, which recounts the dispute of the Grecian princes, and his second, which represents their several opinions, unfold every art of pleading, and every property of deliberation? Is there a man so insensible as to deny that Homer is perfect master of the passions, whether they are to be composed, or raised? To be more particular; has he not, I will not say observed, but invented, in a few lines at the beginning of his two poems, the rules we ought to observe in introducing our pleadings? He bespeaks the favour of his hearer, by invoking the goddesses, who patronise poetry. He awakens his attention, by the importance of the design he lays down, and engages it by the conciseness of his proposition. What narrative can be shorter than that of the death of Patroclus? What more expressive than the battle he describes between the Curetes and the Ætolians? As to similes, amplifications, examples, digressions, presumptions, arguments, with every art of refuting or establishing a proof, they are so numerous in him, that his authority has always been appealed to by such as have professedly written upon those subjects. With regard to the properties to be observed in the close of

VOL. II. R a pleading,

a pleading, had we ever any thing that equals Priam's supplication to Achilles? And is he not more than human in his expressions, his sentiments, his figures, and in the general plan of his work? Upon the whole, it requires a great effort of genius, I will not say to rival, for that I think is impossible, but to comprehend, his excellencies. But this poet has, doubtless, left all others far behind him in every kind of composition, especially in heroic poetry; because his merits are there most conspicuous, when compared with others, who have attempted the same thing.

Hesiod seldom rises, and great part of his work is employed upon proper names; yet his precepts are mingled with useful sentiments. His expressions are harmonious, his style is far from being despicable, and he carries away the palm in the middling manner.

Of a different character is Antimachus,* for he has strength and weight; and his style is elevated far above a vulgar character. But, though grammarians agree to rank him next to Homer, he is lifeless, disagreeable, confused, and void of all art; so remarkable is the difference between following next to, and keeping near a great master!

Panyasis† is thought to be a compound of the two last poets I have mentioned; but that his style falls short of both, though his matter is more excellent than that of Hesiod, and his plan than that of Antimachus. Apollonius is not mentioned in the

* This poet is very little known, he was born in Colophon, and is said to have been a slave to another poet. The emperor Adrian, however, who was himself a wit, was so extravagantly fond of his works, that he once thought of banishing Homer out of the schools, and of introducing Antimachus in his room.

† He too is very little known. It seems he was a Greek epic poet, and that he rather revived, than improved, poetry among his countrymen.

catalogue of grammarians, because Aristarchus and Aristophanes, two critics in poetry, mention none of their cotemporaries (as Apollonius was) who were poets. He published, however, a work* far from being contemptible, and which is wrote in a smooth, middling style.

Both the subject and the manner of Aratus is lifeless; he introduces no variety, no sentiment, no character, and no speech. His abilities, however, are equal to the work he attempted.†

Theocritus is admirable in his way, but his muse is so truly rural and pastoral, that she cannot bear the sight of a town, far less of a court.

Behold, how the names of poets are crowded upon me by their admirers! What, says one, is the poem of Pisander,‡ upon the actions of Hercules, void of merit? Did Macer and Virgil, says another, see no beauties in Nicander, when they imitated him? None in Euphorion,§ says a third, whom Virgil did the honour (and who can distrust Virgil's judgment), to mention with approbation for his poetry in Chalcidian strains? Can you omit Tir-

* This probably was upon the Argonaut expedition. And our author's judgment is confirmed by that of Longinus, who commends it, in being as perfect a model of the middling manner, as the Iliad is of the sublime.

† The learned, especially the moderns, are a good deal divided as to this character of Aratus, given by our author. Cicero translated great part of his phænomena, if not the whole of it: and it must be owned that it is not void of many descriptive properties. The censure therefore passed upon it by our author, must be understood to regard those properties, that are not applicable to eloquence. There is, however, a great party of the learned, who have been pretty severe upon him for what he says in this paragraph.

‡ He was a Colophonian, and it is thought that from him Virgil took the hint of his Georgics.

§ He was library-keeper to Antiochus the Great; the passage here alluded to, is in Virgil's 10th pastoral, and put into the mouth of his friend Gallus, who it seems had translated this poet into Latin.

tæus,* without reflecting upon Horace, who praises him next to Homer himself? To all this I answer, that I believe, there is no man so ignorant, as not to be able, by the help of a catalogue of some library, to transcribe their names into his works. I am far from being insensible of the merits of those I pass over, and I am so far from slighting them, that I have already observed, there is none of them that may not be of service to an orator. But it is soon enough for him to read the inferior poets, when his taste is formed and he is compleated in eloquence; in the same manner, as, at grand entertainments, after we have filled ourselves with dainties, coarse meat pleases us, because it is a change of fare.

We then shall be at leisure to look into the elegiac poets, the chief of whom is Callimachus,† and Philetus is generally allowed to be the second. But while we are training ourselves to that settled habitude of eloquence, which I have recommended, we ought to apply only to the best authors. We must fix our judgments, we must acquire a taste, not by reading many authors, but by reading a great deal.

Therefore of the three iambic writers, approved of by Aristarchus, Archilochus is most for an orator's purpose; his style is powerful and penetrating, his sentiments strong, pointed, and brilliant. There is life and force diffused through all his works, and it has been said, that if he is inferior to any other poet, be he who he will, it is owing to his subject, and not his genius.

* He was a Lacedæmonian, and is famous for having inspired his countrymen with courage by his poetry. See Horace's *Art of Poetry*. L. 405.

† He was a Cyrenian, and was cotemporary with Ptolemy Philadelphus.

Of the nine lyric poets, Pindar is, by far, the most eminent, through the sublimity of his genius, the force of his sentiments, the beauty of his figures, and by that happy profusion of images, and words, which impel his style with a torrent of eloquence, and made Horace pronounce him to be inimitable.

Even the choice which Stesichorus* has made of his subject, indicates a sublimity of genius, for he sings the most important wars, and the most illustrious generals, and makes his lyric numbers support all the majesty of epic poetry, by suiting the actions and words of his heroes to the dignity of their several characters. Had he known to observe a mean, he bade fair to succeed, if not rival, Homer in fame; but he is too redundant, too intemperate, too luxuriant; vices indeed, but owing to the richness of the genius.

Alcæus,† in some parts of his works, when he lashes tyrants, is justly complimented by Horace with a golden plectrum. He is likewise very moral in his sentiments; his style is concise, but sublime and polite, and greatly resembles that of Homer; but he is puerile in his loves and dalliances; and far unequal to his true character, which is sublimity.

Simonides‡ is too enervate. But he has great merit from a certain propriety and smoothness of style. His characteristic excellence, however, lies in moving the passions, in which he succeeds so well, that some have ventured to prefer him to all authors, who have wrote in that way.

It is from the ancient comedy alone that we can taste the native graces of the attic style. There, we see ease united with eloquence, and though her

* He is sometimes called Tersichorus.

† He was of Mytilene.

‡ He was a native of the Island of Coos, and cotemporary with Anacreon.

protest purpose is to ridicule, or to lash, vice, yet she has many other powerful properties: for she is elevated, elegant, graceful, and except Homer (whom I must always except, as he excepts Achilles), there is no model more proper either to form, or to direct an orator. Various were the authors of the ancient comedy, but the chief were Aristophanes, Eupolis, and Cratinus.

Æschylus was the father of tragedy. He is sublime, weighty, and majestic, even to extravagance, in his expressions, but then he is generally rough and irregular. For this reason the Athenians permitted his dramatic pieces to be corrected by other poets, and brought upon the stage in their theatrical disputes, and by them, many poets gained the palm of preference.

But tragedy received much greater improvements and embellishment from Sophocles and Euripides. Their characteristics are indeed different, but their excellencies so equal, that it is disputed which ought to have the preference in poetry. Into this dispute, however, I shall not enter, because it is foreign to my present purpose. One thing seems to be unquestionable, that the study of Euripides is by far the most proper to assist an orator in his pleading. For his style approaches more near to the oratorical manner, and this is objected to him, by those who prefer the Majesty, the tread, and the pomp of Sophocles. Add to this, Euripides is more sentimental, in laying down philosophical rules, he equals philosophers themselves; and in propositions and answers he falls short of none that ever practised at the bar. He has a wonderful talent at moving all the passions, but is unrivaled, in touching the tender ones.

Though Menander cultivated a different branch of the drama, yet he owns that he both admired and

imitated Euripides; and Menander is an author, that if attentively studied, is of himself, in my opinion, sufficient to answer all the purposes I am recommending. So just is every picture he draws of life, so copious is his invention, so easy his elocution, and so well suited is his style to incidents, characters and passions! Some, I will not say with what justice, pretend, that Menander was author of those orations which pass under the name of Charisius. I cannot, however, help thinking if these are his, that he is less of an orator there, than he is in his own province of the drama, unless we deny his Epitreontas, his Epicleros, and his Lochos to be good representations of what passes often in courts of justice, and unless his Psophodas, his Nomothetes, and his Hypobolimæus, are defective in any point of oratorical perfection.

Meanwhile, I think, the study of Menander's works may be of singular service to declaimers; because, in their declamations, they are obliged to assume the characters of fathers, sons, husbands, soldiers, clowns, rich men, beggars, rage, submission, gentleness and acrimony; the propriety of all which characters is wonderfully preserved by Menander. To conclude, his merit in the drama is so great, that his fame has swallowed up that of all other authors in the same way, and they are obscured with the beams of his lustre. The works of some other comic poets, if they are read with judgment, may be of some use to an orator, especially those of Philemon,* whom the bad taste of his age preferred to Menander; but he is universally, and justly, allowed to be next to him.

The Greeks have many good historians; but two that far excel the rest, and, who, by different man-

* He lived in the time of Alexander the Great.

ners, have attained to equal merit. Thucydides is pithy, concise, and spirited; Herodotus harmonious, free, and pure. The former is fitted to inspire violent passions; the other to breathe gentle sentiments; the former harangues, the latter converses; the former commands by using compulsion, the latter, by giving delight.

Theopompus* is inferior indeed to the above two as an historian, but his work is better calculated for the use of an orator; for he long followed the practice of the bar, before he commenced historian. Philistus,† the imitator of Thucydides, deserves likewise to be distinguished from the crowd, even, of good historians. For though he has not so much strength, yet he has sometimes more perspicuity than his great master. Ephorus,‡ in the opinion of Isocrates, required a spur. Clitarchus§ is a fine writer, but an unfaithful historian. Timagenes|| lived a long time after all these, and had the merit of restoring the manner and style of history, which had been long lost, to its ancient beauty. I have omitted, but not forgot, Xenophon; for I rank him with the philosophers.

Next succeeds a mighty band of orators; for Athens produced ten at the same time. Of them Demosthenes was by far the most excellent, and we may almost pronounce him to be the dictator of eloquence. So vast is his energy, so quick his force, so pithy his style, so significant, and so just is all he says, that, in him, we find nothing that is

* He was of Chios, and wrote the History of Greece.

† He was a Syracusan, and intimate with Dionysius the tyrant.

‡ He was a disciple of Isocrates.

§ He served under Alexander the Great, and wrote his history.

|| He was a Milesian, and wrote the history of Heraclea.

wanting,

wanting, nothing that is redundant. *Æschynes** is more full, more diffused, and, by being less regular, he appears more grand. But he has corpulence without strength. *Hyperides* is distinguished for smoothness and quickness. But he was most serviceable in petty causes, to which only, he, perhaps was equal.

Prior to them in point of time was *Lysias*, whose style is penetrating and elegant; and were an orator's business confined to the narrative, he could find no speaker more perfect than *Lysias*. There is in him nothing that is idle, nothing forced; but I compare his eloquence to a crystal stream, rather than to a mighty river. The manner of *Isocrates* was different. He is neat and trim, but, having more address than vigour, he becomes the lists better than the field, and he assiduously courts every beauty of diction; for he addresses himself to an audience, and not to a court. His invention is ready, he is always graceful, and his composition is exact, perhaps to a fault. Meanwhile, the properties of those great orators, which I have pointed out, are not the only properties they possess, but they are their characteristic ones; nor do I deny that some orators, whom I have not mentioned, had merits likewise. For instance, I am sensible that *Demetrius Phalereus*, though he is said to have been the first who weakened eloquence, had great command of genius and diction; and there is one circumstance for which he deserves to be remembered, that he was almost the last of all the Athenians, who could be called an orator. *Cicero*, however, gives him the preference to all others in the middling manner.

As to philosophers, some of whom *Cicero* says, have made acquisitions in eloquence, there can be

* He was at first a player, and became afterwards the rival and enemy of *Demosthenes*.

no manner of doubt, that Plato is the chief, whether we regard the force of his reasoning, or his divine, and what we may call his homerical, powers of eloquence. For his style rises far above that of prose, and of what the Greeks call, "creeping poetry;" nay, to me, he seems not to be endued with a human capacity, but inspired by the Delphian Oracle.

How can I do justice to Xenophon? To his beauties, that are so unstudied, and so unattainable by art, that the graces themselves seem to have formed his diction? And the character which the old comedy gave to Pericles, is justly applicable to him, "That the goddess of persuasion dwelt upon his lips." How can I characterize the elegance of the other followers of Socrates? What shall I say of Aristotle? To which of his numerous perfections am I to give the preference? To the depth of his knowledge? To the copiousness of his writings? To the charms of his eloquence? To the quickness of his invention, or the variety of his erudition? The name of Theophrastus* characterizes his eloquence, so divinely bright it is.

The ancient Stoics gave no great encouragement to eloquence. But in their reasonings about virtue, they shewed very great abilities, both in laying down their propositions, and in establishing their proofs. Their manner, however, was to employ the force of reasoning, rather than the pomp of language, which indeed they did not study.

I am now to view the Latin authors in the same manner as I did the Greek.

As Homer of the Greek, so Virgil happily stands at the head of Latin poetry. For of all epic poets, Greek or Latin, he undoubtedly approaches nearest to Homer. And here I will repeat a saying, which, when

* Θεός: God, and Θεολογία: Theology.

a young man, I had from Afer Domitius: for when I asked him, "who was the greatest poet, next to Homer?" his answer was, Virgil, but he approaches nearer to Homer, than any other poet does to Virgil. But I will venture to say, that though we yield to the immortal, the divine, essence of Homer, yet Virgil is more regular, and more perfect, which is owing to his being more upon his guard; and though the Roman is excelled in the striking qualities of genius, yet, upon the whole, he is perhaps equal, on account of his judgment and correctness of composition.*

Now follows a long interval; for though by all means we ought to read Macer† and Lucretius, yet they do nothing towards meliorating our diction; I mean that storehouse of eloquence which I require to be furnished. Both of them treated their subjects elegantly, but Macer is too creeping, and Lucretius too crabbed.‡ Attacinus Varro§ was no more than a translator of the works that got him the greatest credit; and, in this respect, his merit is far

* A great many moderns may think Quintilian too partial to Homer in this comparison, and Scaliger has endeavoured to prove that Virgil was superior to Homer in all parts of poetry. But this is stretching a great deal too much for his admired poet. Upon the whole therefore, our author's judgment is very candid and well founded, which is, that Homer was the greater genius, but Virgil the better poet.

† He was a poet of Verona, and writ concerning herbs, and the Trojan war.

‡ Orig. Difficilis. This is certainly our author's meaning. Though some critics think that the word difficilis includes sublimity likewise, but Quintilian never would have brought that as a charge against him. We are to observe, however, that our author's criticisms regard the general complexions or characters of the several poets he mentions, otherwise, he would have taken notice that there are some lines in Lucretius, which equal the beauty and harmony of any thing in Virgil.

§ He was cotemporary with Ovid, and translated the Argonauts of Apollonius Rhodius.

from

8 from being despicable ; but his style is too poor to
 better that of an orator. Ennius strikes us with a
 veneration, like what we feel in beholding the awful
 gloom of an antient grove, where the mighty and
 aged oaks inspire us, not so much with delight as
 devotion. The other poets, who are most proper
 for assisting us in the style I have been recommend-
 ing, are more modern. Ovid, in his heroic verse, is
 too luxuriant, and is too fond of his own conceits,
 but, in some passages, he is beautiful. As to Corne-
 lius Severus, he is, indeed, rather a pretty versifier,
 than a good poet ; yet, had he executed the whole
 of the Sicilian war upon the model of his first book,
 he would have challenged the second place.* Va-
 rennus† was taken away by death before he came
 to perfection ; but his compositions, when but a boy,
 discovered great genius, and a wonderfully fine taste,
 especially in so young a person. We lately lost a
 great treasure in Valerius Flaccus.‡ The genius
 of Saleius Bassus§ was strong and poetical, though
 it was not matured by years. If an orator has any
 leisure time upon his hands, he may read Rabirius||

* He was cotemporary with Seneca, and, I believe, with our author likewise. I own it is a little obscure, whether the second place here mentioned, is to be referred to Virgil or to Ovid.

† Orig. Varenus, though the common editions read, sed cum, meaning Cornelius Severus ; but I am of opinion with Burman, in his note upon this passage, that this character belongs to another ; and as we meet with the name Varenus in many copies, we may suppose he was some young gentleman, who died before he could be much known in the world. I am more inclined to believe this, because the character seems somewhat incompatible with what is before said of Cornelius Severus.

‡ He too wrote the Argonauts in imitation of Apollonius Rhodius.

§ This perhaps was a relation of the poet, to whom Persius addresses one of his satyrs.

|| They were cotemporary with Ovid.

and Pede. Lucan * is glowing, spirited, and highly sentimental. Were I to express my own opinion, I would rank him among the orators, rather than the poets.

I have hitherto ~~forborn~~ to name our august emperor amongst our poets. His application to the government of the world has diverted his application to the study of verses, as if the gods had thought that it was paying him but a small compliment to place him at the head of poetry. But in the works he was composing in his youth, when he was called to empire, he never has been exceeded in sublimity, art, and harmony of every kind. Who is better fitted to sing wars with spirit, than the hero, who carries them on with success? Or who is better entitled to the favour of the muses? To whom will Minerva more willingly unlock her stores, than to this her favourite? But posterity will do greater justice to his abilities in poetry, which is at present lost in the dazzling radiance of his other virtues. Suffer us, however, great sir, who cultivate the sacred mysteries of learning, not to pass over in silence this gift which heaven has bestowed on you, and, with Virgil, to witness That

Amidst thy conquering bays, the ivy creeps.†

In

* I shall here just observe, that this character of Lucan does great honour not only to our author's judgment but his virtue, since he dared to comment Lucan under Domitian, and this seems to confirm a suspicion I formerly hinted at.

† It must be acknowledged that the compliments here paid to Domitian are fulsome enough. But I cannot think they reflect any dishonour upon our author, when we consider his circumstances. I will engage to point out from the works of some of the greatest and most learned men, as well as of the best poets, of England, compliments to the abilities not only of princes, but of noblemen, statesmen, nay, private gentlemen, who in this respect deserved

In elegiac poetry, too, we rival the Greeks; and in this Tibullus appears to me to write with the most propriety and elegance. Some prefer Propertius. Ovid is more incorrect, and Gallus more harsh than either.

The province of satyr is wholly our's; and here Lucilius stands in the foremost rank, distinguished over all; so that his admirers venture to prefer him, not only to all poets of the same kind, but to all poets whatever. But I differ from them as well as from Horace, who thought the style of Lucilius was muddy, and his sense redundant;* for he had great erudition, with a wonderful deal of freedom, humour, and wit, of the severest kind. Horace, it is true, is by far more chaste and correct, and excels in marking the characters of mankind, † if I am not too

deserved them as little as Domitian did; who is represented by Suetonius (no great favourer of him) to have been a man of some wit and humour. Meanwhile, if our author's compliment is misapplied, it must be allowed to be finely turned.

* Orig. Et esse aliquid quod tollere possis. The French commentators and translators (Dacier particularly) upon Horace (in which they are followed by the Abbé Gedoyne), think this is a compliment to Lucilius. But if it is, it is not only against the genius of the language, but an express contradiction to the sentiments of Horace himself in other places. Meanwhile we have very little remaining of Lucilius to justify the high idea, which we are apt to form of him from our author's testimony, in opposition to Horace. Both were great judges; but I am apt to think Quinctilian was the most impartial. It is however very remarkable, that in his days, the public was so much divided with regard to the merit of Lucilius, that they often came to blows; and Quinctilian himself is said to have sometimes carried a cudgel under his robe, to vindicate the honour of his favourite poet.

† This character of Horace as a satyrist, is by far too scanty, and our author's prejudices seem to have lain on the other side of what he professes. Here I cannot help mentioning a parallel case in England. In the reigns of Charles II. and King William, the wits treated the compositions of the great Mr. Dryden in the same manner as Horace treated Lucilius. The witty earl of Rochester particularly applied to Dryden, but with more happiness than

too much prejudiced in his favour. Persius has acquired a great and just character, though his satyrs lye in a small compass. We have living satyrists likewise, whom posterity will mention with applause. *

There is another and an older kind of satyr, which Terentius Varro, the most learned of the Romans, distinguished by a variety† of verse. He was the author of many learned books; he was a thorough critic in the Latin language, and understood antiquity both Greek and Roman, to great perfection. He is, however, better calculated to render us learned than eloquent.

• We have amongst us no professed iambic poets; that manner being only casually adopted by Catullus Bibaculus and Horace, to render their works more biting. The last named poet makes use of the epode, or short verse, likewise.

Of the lyric poets, Horace is the only one that is worthy to be read; he is sometimes ‡ sublime, but

than justice, the very words of Horace concerning Lucilius, and imitated with that view the whole of his epistle beginning,

Nempe incomposito dixi pede currere versus

Lucili.—

The whole of the imitation discovers both want of judgment and taste, both with regard to Mr. Dryden, and the characters of almost all the peer's poetical cotemporaries; yet I am not sure whether the wit and happiness of the imitation does not affect, at this day, some judges with false prepossessions. But we have seen the same thing happen to Dryden as happened to Lucilius, and pretty much within the same number of years; for his character, as a poet, is now patronized by the greatest judges of writing. Our author, however, notwithstanding his great opinion of Lucilius, ought to have done more justice to Horace.

* Meaning, some say, Juvenal, but I am, with Dodwell, of opinion, that he did not.

† Meaning the Menippean satyr.

‡ I cannot agree with those critics who think the word sometimes, here, derogatory to the merits of Horace: since it is very certain that it is only sometimes that he affects sublimity in his odes.

always

always agreeable and graceful, and a happy boldness renders him inimitable both in his figures and expressions. Were I to mention any Lyric poet after Horace, it would be our late friend Cæsius Bassus, but he is far excelled by some who are now alive.

Accius and Pacuvius were two writers of tragedies deservedly famous for the weight of their sentiments, the significancy of their expressions, and the dignity of their characters. That their works wanted brilliancy, that they are not polished in the highest taste, is not so much their fault, as that of the age they lived in. Accius, however, is allowed to have the most strength. But they who set up for critics, think that Pacuvius has more art. The Thyestes of Varius * rivals all the tragedies of the Greeks; and the Medea of Ovid † is a proof to me what an excellent poet he might have been, if instead of indulging, he had cultivated, his genius. Of my cotemporaries, Pomponius Secundus ‡ is by far the best tragic poet; though some of our old critics think his plays not sufficiently tragical, yet they own them to be correct and beautiful.

In comedy we must own ourselves at a loss; though Varro agrees with Aelius Stilo, in saying, "that were the muses to speak in Latin, they would speak in the style of Plautus;" § though the ancients greatly extol Cæcilius and the comedies of

* He was cotemporary with Virgil.

† This tragedy is said to have been extant, since the invention of printing.

‡ He was the friend of Pliny, who wrote his life; he had so much spirit and eloquence, that he was called the Pindar of tragedy.

§ Muretus and Burman say that if the muses were to speak like Plautus, they would speak like so many whores and common wenches, but this jest is as unjust as it is coarse; for there are abundance of passages in Plautus, that justify what is here said of him, which can only be understood of his Latin style, and that must be owned to be excellent considering the age he lived in.

Terence

Terence have been ascribed to Scipio Africanus; both those poets, though elegant in their way, would have been more so, had their verse run into Trimeters *. But we have not even the shadow of the Greek excellency in comedy. And so unsusceptible does the Latin language appear to me of those charms, that are peculiar to the attic style, that the Greeks themselves lose them when they speak in any other idiom than that of Athens. Afranius is the best writer of that comedy which is purely Latin. I wish he had not given such a loose to his natural immorality, by polluting his drama with monstrous obscenities.

In history writing, however, we are not inferior to the Greeks, and I am not afraid to match Sallust with Thucydides; nor would Herodotus, were he alive, disdain to be compared with Livy; so wonderfully agreeable, so beautifully perspicuous, are his narratives, and so inexpressively eloquent are his arrangements. Whatever he says, is exactly suited both to things and characters, and I speak too modestly of him when I say, that no historian has more artfully managed the passions, especially the gentle ones. Such are the qualities, though of different kinds, by which he has equalled the glory of Sallust's divine conciseness. For, I think, Servilius Novianus observed very properly, that they rather were equal to, than like one another. He too was an historian, and I knew him to be a man of fine genius, quick in his sentiments, but his style too loose for the dignity of history. Bassus Aufidius, who lived a little before him, had talents every way equal to history

* I cannot account for this niggardly praise bestowed by our author upon the chastest and most decent of all poets, Terence, but by supposing that he thought his chief merits were comprehended in Menander. Yet this could not have escaped Cicero, who thinks him a pattern of style for an orator.

writing, as appears by his History of the German War; but though he seems to have had a very fine taste, he sometimes falls below himself.

One historian is now alive, who is illustrating the glory of the present age; a man who will be mentioned with reverence to all posterity; but whom I am not now at liberty to name. He has his admirers, he has his imitators, but he must be cautious how he expresses himself* with that freedom, that alone can do justice to his subject. He expresses, however, enough to shew, that his genius is elevated, and his sentiments manly. We have other excellent historians. But we are now not reviewing libraries, but touching upon characters.

But it is in eloquence chiefly that the Romans have equalled the Greeks, and I can confidently match Cicero with them all. I am sensible that I shall draw upon my hands a controversy, which is far from being my present intention, by comparing him with Demosthenes. Nor will it avail me if I say, that Demosthenes is not only worthy to be read, but even to be got by heart.

Many excellencies are in common to both authors, such as sagacity, order, their method of dividing, preparing, proving, and, in short, every

* I have, in translating this paragraph, deviated from the opinion of all commentators and translators; some thinking the historian mentioned here is Tacitus, and some Pliny. But when I attentively consider the scope of the passage, and that the true reading is confessedly irrecoverable, I must be of opinion, that Quinctilian here means some historian, who was writing the history of Domitian (for so I understand the words *exornat ætatis nostræ gloriam*), whom he represents as too modest to suffer himself to be praised, however justly. This, I think, is the only sense in which our author can be understood; for we never can suppose him, with his commentators, to have said that under Domitian's reign, a man durst not speak the truth without suffering for it.

thing belonging to invention. * In their elocution there is some difference. " Demosthenes is more compacted, Cicero more copious; the one hems you close in; the other fights at weapon's length; the one studies still as it were, to pierce by keenness; the other, often, to keenness, adds weight. In the one there is nothing that can be curtailed, in the other, nothing that can be added; the one owes more to application, the other to genius.

" But in the witty and pathetic, which so strongly sway the affections, the Roman excels. The laws of his country might perhaps, prevent Demosthenes from touching upon the pathetic in his pleadings. But the genius of our language does not admit of the beauties, which the Athenians chiefly admired. For both of them have left behind them specimens in the epistolary way, yet those of Demosthenes can stand in no competition with those of Cicero.

" But Cicero must in one thing yield to Demosthenes, who lived before him, and formed great part of the Roman's excellency: for to me it appears, that Cicero, applying himself entirely to the imitation of the Greeks, united in his manner, the force of Demosthenes, the copiousness of Plato, and the sweetness of Isocrates: not only did he extract what was excellent in each of these, but, by the divine pregnancy of his own immortal genius, he found the means to produce out of himself, most, or rather all their characteristic beauties: for, to use an expression of Pindar, he does not fertilize his genius, by making a collection of the water that falls in rain from the clouds; but, formed by the kind indulgence of providence, he pours along in a resistless flood, that eloquence may make an experiment of all her powers in his person.

* See Preface to Cicero's Orations, vol. 1.

" For,

“ For, who can teach more instructively, who can move more strongly? Did ever man possess such sweetness, as to make you believe that you resign with willingness what he rests by force? And though the judge is borne down by his power, yet he feels not that he is forced along, but that he follows with pleasure. Nay, such is the commanding character of all he says, that you are ashamed to differ from his sentiments: he is not distinguished by the zeal of a council, but brings the conviction of whatever a witness or a judge can say. Yet, in the mean time, all these excellencies, which in others are the laborious acquisitions of intense application, appear in him the easy flow of nature; and his eloquence, though exquisitely and beautifully finished, appears but to be the happy turn of genius.

“ It was, therefore, not without reason, that by his cotemporaries he was said to be the sovereign of the bar; but, with posterity, his reputation arose so high, that the name of Cicero appears not now to be the name of a man, but of eloquence herself: let us therefore keep him in our eye; let him be our model; and let the man, who has a strong passion for Cicero, know, that he has made a progress in study.”

In Asinius* Pollio, I find great invention, and very high finishing, nay, some think, in the last respect he is apt to over-do. He has likewise abundance of regularity and spirit, but falls so far short of Cicero in brilliancy and smoothness, that he seems to have wrote in the preceding age. Messala,† however, is polished, bright and easy; his manner of speaking discovers his noble blood, but it has not all the force we desire in an orator.

* He lived under Augustus Cæsar.

† He was cotemporary with the former.

As to Caius Julius Cæsar,* had he attended wholly to the business of the bar, he was the only Roman who could have come into competition with Cicero. Such is his force, his quickness, and exertion, that he seems to speak with as much spirit as he fought; and all his properties are embellished, by an elegance of diction, of which he was peculiarly careful.

Cælius† discovers vast genius, and observes a peculiar politeness when he urges an impeachment: Pity it was that his heart was so corrupted, and his days so few! Some prefer Calvus‡ to all our Orators; and I know some who agree with Cicero in thinking it was so hard for him to please himself, that he thereby lost a great deal of his force. We must allow, however, that his style is weighty, chaste, correct, and often spirited likewise. But we are to observe that he was a professed imitator of the attic manner, and his untimely death did injustice to his reputation, as an orator; because it prevented him from adding to (for he had nothing to retrench from) the spirit of his eloquence. I must not forget that Servius Sulpicius deservedly got vast reputation, by three orations he spoke and published.

Cassius Severus,§ if judiciously read, contains many things worthy of imitation, and he might challenge a foremost rank in eloquence, had he added to his other properties, beauty and modesty of style. For his abilities are very great, his politeness and asperity are equally wonderful, and his

* The fine character given by our author of this great man, is confirmed by all writers, as well as by Cæsar's own works.

† He was the same whom Cicero defended against Clodia's prosecution.

‡ He is often mentioned by Cicero, as is Servius Sulpitius, who comes next.

§ He is mentioned by Seneca, and probably is the same, who is lashed by Horace for his cowardice and barking.

strength

strength is irresistible; but his resentments get the better of his judgment; add to this, his severity is overcharged, often to a degree of ridicule.

It would be tedious, should I attempt to describe many other learned orators we have had. Of those I have seen, Domitius Afer* and Julius Africanus were by far the most eminent. The style of the former was so correct, and his manner so beautiful, that he deserves to be ranked amongst the ancients. The latter had great spirit, but he was too loose and incorrect in his expressions, his composition sometimes was too long, and his metaphors too strained. These were succeeded by some fine speakers. Trachalus† is generally elevated, yet intelligible; and he had fair to arrive at perfection; but he appeared to the greatest advantage, when he was heard: for never did I know a man possess such happy sweetness of voice; though it was loud enough to fill a theatre, while, at the same time, his action was graceful; in short, he was void of no external accomplishment.

Vibius Crispus‡ was regular, agreeable, and naturally winning; but his talents were better suited to private, than to public, causes. Had Julius§ Secundus enjoyed longer life, he must have left behind him a great character, as a speaker. For he would have persevered till he had succeeded in supplying all his defects; I mean he would have acquired more keenness in altercation, and have been less intent upon words, and more upon things. But though he was hastily snatched away, yet his merits are very eminent. He had vast command of

* These two orators lived under Nero.

† His voice was so strong as to be heard through four different courts.

‡ He is mentioned in cap. 13. l. 5. and by Seneca.

§ It is thought that he lived till the time of Adrian.

expression,

expression, a wonderful gracefulness in his narratives and arguments; his manner of speaking was natural, easy, and beautiful; the expressions he studied were proper, those he hazarded were happy, and all of them significant.

They who shall treat of this subject after me, will have great room for bestowing encomiums upon the speakers that are now at the bar; for many men of great abilities in eloquence now grace the forum. Some advocates at the top of their profession rival the ancients, and are imitated by many young gentlemen, who follow them in the paths of perfection.

I am next to touch upon our philosophical writers; but, of these, very few in Rome have been distinguished by eloquence. But here our Cicero, as he does through all his works, presents himself as the rival of Plato. The philosophical compositions of Brutus * far excel his oratorial; he is equal to the subject he handles, and he makes you sensible, that he is sincere in what he says. Cornelius Celcus has wrote a good deal upon the sceptic plan; nor are his writings void either of elegance, or brightness. The works of Plancus will instruct us in the stoical system; with regard to the Epicureans, Catius is a slight, but not displeasing, writer.

I have purposely, hitherto, avoided the mention of Seneca, who is highly distinguished in every province of eloquence; because, I know, there is a vulgar prejudice prevails, that I am not only an enemy to his works, but to his person. This mistake took rise, while I was endeavouring to revive the true taste of eloquence, by recalling her to a critical standard, after she had been debauched and enervated by every species of corruption. At that time

* Cicero gives him the same character; we know little of the other philosophers here mentioned.

Seneca was almost the only author read by young gentlemen; but it is false that I absolutely condemned the reading of him. No, I was only against his being preferred to authors of greater merit, whom he had vilified; because, being conscious, that his manner was different from theirs, he knew he never could succeed with those, who were pleased with the writers he had abused. * They loved him, however, more than they imitated him; and they were as inferior to him, as he was inferior to the ancients. Many times I have wished they had been equal, they had approached near, to Seneca. But they were pleased only with his blemishes; in these, he was aped to the best of their power, and when any one could swagger in Seneca's manner, he instantly set up for a Seneca. This was insulting the name of a man, who had many and great abilities; his imagination was easy and copious; his application great, and his knowledge extensive; though sometimes he was imposed upon by some whom he employed in certain researches. His study comprehended almost the whole circle of arts and sciences; for pleadings, poems, letters, and dialogues of his are now extant.

As a philosophical writer he is incorrect; but a bitter professed enemy to vice. His sentiments are generally noble and striking, and many of his wri-

* He is said to have condemned both Cicero and Virgil, which sufficiently justifies our author in what he here says of him. For my own part I know not which to admire most, the taste, the style, or the candour of Quintilian, in the characters he describes throughout this chapter. But above all in this of Seneca, which I look upon to be a standard in this manner of writing. It is true Seneca has still, in this age and country, his admirers. For those prettinesses which are found in him, will always find admirers: but all men of true critical taste must appear on our author's side, who discovered as much spirit as he did judgment in attacking this formidable, because favourite, author.

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things calculated to mend the morals of mankind. But his eloquence, in general, is corrupted, and is the more dangerous, because it is full of enchanting blemishes. Happy had it been for eloquence, had he trusted to himself for his matter, and consulted others for his manner. Had he shewn for some things, contempt; in others moderation; had he been less fond of whatever was his own; had he not minced down the most solid arguments and subjects, into short points and smart sentences, his fame must have been established by the veneration of the learned, rather than in the affections of boys. I, however, recommend him to the perusal of those whose taste is formed, and who are fully masters of critical learning, were it for no other reason, than that he will give sufficient employment to both.

For, as I have already observed, he has in him many things that command our approbation, nay, our admiration. All the reader has to do, is to apply that judgment, which I wish, he himself had not wanted. Nature certainly meant him for great things. Nothing was without the compass of his genius, his failure therefore in the execution is the more to be regretted.

CHAP. III.

CONCERNING IMITATION.

SUCH are the authors I recommend to be read not only to improve my young orator in copiousness of style, variety of figures, and manner of composing, but in every power of eloquence. For there can be no doubt that great part of this art consists in imitation. It is true, invention is the first and principle part, but at the same time he will find great service

service in closely imitating, what has been happily invented. The great scheme of virtuous life turns upon our practising ourselves, those virtues we observe in others. Thus boys, in learning to write, follow the traces of letters, that are marked out to them. The musician follows the notes of his teacher. The painter, the strokes of his original; and the farmer that method of culture, which experience has found to be most successful. In short, we may observe that apprentices, in every art, form themselves upon certain models placed before their eyes. And in my opinion, there is no avoiding our resembling, or not resembling what is good; yet that resemblance is seldom furnished by nature, but often by imitation.

But we shall be hurt by the very circumstance of our being furnished with more ready means to conceive what we study, than those were, who had no object of imitation; unless we follow it with caution and judgment. For I must premise, that mere imitation has an ignoble end, for it does no more than discover an indolence of genius, which can rest satisfied with what has been invented by others. What should have become of those ages, which had no examples to imitate, if the men who lived in them had thought, they were neither to practise nor to study aught, but what they already knew? The consequence must have been, that nothing would have been invented. Shall we then be debarred from inventing that which was not known before? Let us reflect upon our uninformed ancestors, who merely by their natural parts, were authors, of so many useful inventions. And shall not we who know that they succeeded in their pursuits, be fired with the same spirit of enquiry? Could they hand down to posterity, without being taught by any master, many noble arts; and are not we to make use
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of those arts for discovering others, without remaining satisfied to subsist on what has been acquired by our forefathers; like certain painters, who know no more of their art, than to copy a figure by the help of a line and compass. y

It is even scandalous to rest satisfied with equalling what we have imitated. For let me again ask, what would be the consequence, should no man outdo the original he follows? Were that the case, we should have nothing in poetry more excellent than Livius Andronicus, nor in history better executed than the annals of our priests; we should still be sailing about in the hulks of trees, and all our painting would consist in marking out with chalk the outlines of the body, as they appear in the shadow by the light of the sun. Nay, if we review the history of all arts, we shall not find one now existing, as it was invented, or in its first state of infancy: unless perhaps we should brand our own times with this particular reproach, that in them nothing tends to perfection. z
For no art can improve merely by imitation.

To apply this observation to eloquence; how can we expect to see a finished orator, if he is debarred from improving upon those who went before him? For even amongst the greatest of them, there is not one, who is absolutely free from defects or blemishes. Even the orator, who does not aspire to perfection, ought to rival, when he copies after, his original. For while he strives to be foremost in the race, he may come in equal with the foremost, if he cannot pass him; but he never can equal him if he is contented to tread in his footsteps; for in such a case, he must always follow after. Let me add, that very often it is much easier to attain to excellency, than to a perfect resemblance. For it is so difficult to hit a similitude, that it surpasses even the powers of nature to produce two things so very like to each other,

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as not to be distinguished by a narrow observer. Besides, a copy must always fall short of an original, for the same reason that the shadow is less expressive than the person; the portrait than the face; and the manner of an actor, than the feeling of the mind.

The same observation holds with regard to eloquence; for the originals we copy after have the truth and force of nature to support them; while on the other hand, all imitation is no other than fiction, and is directed by what another has designed. The true reason why declamations have less life and strength than pleadings, is, because the former deal in fictions, the latter in realities. Besides, the greatest perfections of an orator are not to be acquired by imitation; I mean, genius, invention, strength, ease, and whatever cannot be communicated by rules. Therefore many readers, by stripping certain pleadings of particular expressions, and by being able to chime in with the cadences of the orator they have read, imagine themselves immediately equal to their original; without considering that words drop, and recover, with times, and that even the most established forms of speaking depend upon custom; and that words in their own nature, are mere sounds, without being either good or bad, but as they are properly or improperly applied; and that all composition must be suited to its subject, and recommended by a graceful variety.

Therefore, this part of an orator's study requires to be examined with a searching and a critical eye. He is to be well founded in his judgment of the authors he is to imitate; for I have known many who have copied after the vilest and most erroneous originals. In the next place, we are to consider attentively what are the particulars most for our purpose in the authors we have fixed upon. For the greatest authors have their blemishes, which have afforded

matter of criticism among the learned. And I wish to heaven that young gentlemen were as much improved in eloquence by imitating the good, as they are debauched by following the bad.

But let not those, who have judgment enough to avoid blemishes, take up with superficial beauties ; such as may be termed the scurf of eloquence, or rather those corpuscles of Epicurus, which are said to flow from the surfaces of bodies. ¹⁶ Now, this often happens to those who, without thoroughly examining the properties of an original, are caught by the first appearances that strike them, and sit down to imitation. In such cases, the most happy imitation that is attained to, consists in a resemblance of phrases and cadences ; and such imitators, far from rising to energy or invention, generally go retrograde, till they fall into those defects that border upon excellencies. They mistake swelling, for sublimity ; narrowness for conciseness ; temerity for manhood ; licentiousness for freedom ; stiffness for correctness ; and negligence for simplicity. Upon the same principle, after dressing some cold unmeaning sentiment, in harsh and uncouth expressions, they immediately set up as rivals to the ancients, especially the Athenians, who they say were void of all ornament, and turns of wit. When they cut short a sentence without finishing it, and thereby leave it unintelligible, they excel Sallust and Thucydides. When dry and jejune, they rival Pollio ; and if they can compass a period of tolerable length, though in a careless slovenly manner, they swear that Cicero spoke in that very way. I have known his *esse videatur*, placed at the end of a sentence, give some gentlemen a handle to plume themselves upon hitting off the very character of Cicero's divine eloquence.

Our student, therefore, in the first place ought to be made acquainted with the author he is to imitate,
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and in the next, to be made sensible of his beauties. With regard to the execution, he is to consult his own strength. Some things are inevitable through the weakness, and others through the dissimilarity, of capacity. A delicate genius disagrees with whatever is only rough and violent. When a genius is strong, but uncultivated, by affecting to be refined, it both loses its strength, and comes short of that elegance which is its favourite pursuit; for nothing can be more ungraceful than a blustering attempt to be tender.

In my second book, however, I have recommended it to the master not to confine his lessons for each boy entirely to the particular cast of his genius. My reason is, that a master ought to do all in his power to promote the natural tendency of a boy's genius to what is right; to assist it, where it is defective; and to alter it where it is wrong. He is to consider himself as the director, and polisher, of his pupil's capacity. But, perhaps, it may not be so easy for him to subdue the bent of his own genius. Yet, though a master may be extremely zealous fully to instruct his scholars in whatever can contribute to their perfection in this art, he is not to toil against nature.

It is a general mistake (and we ought to shun it) to imitate poets and historians in oratorical compositions, and orators or declaimers in poetic or historical. Each manner has laws, properties, and beauties, peculiar to itself. Comedy does not stalk along in buskins, nor tragedy shuffle about in slippers. And yet certain properties are in common to all eloquence; and these we are to imitate. Another inconvenience usually attends those who are entirely captivated by one manner. For if they are charmed with the asperity and vigour of a writer, they cannot rid themselves of that manner, even while

Book IX. X

But here a double question arises, in what manner, and what you are to write. I shall speak of both in order. In the first place, let us write slow, but exact; let us look out for the best subjects, without taking up with what first offer. Let judgment aid invention, and disposition correctness. Let us review both things and words, and examine the import of each. Let us next apply ourselves to arranging them. Let us place and displace them again, till we find out the arrangement that is most

harmonious, without suffering them to stand, just as they first come into our heads.

To succeed the better in this, we are often to consult what we have last written. This will lead us not only to connect what we write with the greater propriety, but give a new spring to our imagination, which is apt to cool while we are writing, but recovers new force by retreating back. Thus, in contests at leaping, the man who performs the best, retreats the farthest back, and throws himself out with the greatest swiftness into his leap. The stronger we toss the javelin, the wider is the sway we give it with our arm. And the farther we send the arrow, the more tightly the bow-string is drawn.

Should a favourable gale, however, spring up, let us spread our sails before it, provided this indulgence does not lead us into error. For we are pleased always with our last thought, otherwise we would not commit it to writing. But we ought to review it critically, and retouch wherever we suspect that ease has deceived us into looseness. This, we are told, is the manner in which Sallust wrote, and indeed the pains he took, appear in his compositions. Virgil * too, as we are informed by Varus, composed but very few lines in a day.

But this is not the case with an orator. Therefore I recommend this carefulness, this slowness, when he sets out upon his studies. For his first aim, his first purpose ought to be, to write as well as

* He used to say that he produced his lines as a bear does her cubs, shapeless and unformed, till she licks them into form. This is the true reason of that vast inequality that appears in his writings, if the *Cyris* and *Culex* are his (as they are generally allowed to be) and why he was so jealous of certain lines in his *Æneid*, which he had not touched up, that, upon his death-bed, he earnestly requested his friends to burn the whole poem.

possible

possible ; as to quickness, it will come by habit. Matter will every day offer itself more readily than it did the last. Words will flow in upon him, and composition become easy. In short, as amongst well-regulated servants, each will do its own business. Upon the whole, by writing quick, you cannot come to write well ; but by writing well, you will come to write quick. But when we have attained to a habit of being quick, we are chiefly then to be upon our guard, and to take care to curb our imagination, as we would do a skittish horse ; and this caution, so far from damping it, will enliven it.

I have known some highly to blame in never being contented, but always fretting and teasing themselves in changing and altering what they write, even after practising for some time. Now, how can a man go through the business of life, if he grows grey-headed in altering and turning every single period of a pleading ? Some people never know when they have done enough, but are always for changing and varying their first composition. This is being incredulous and distrustful of their own abilities, even to a degree of infatuation, for they think that correctness consists in raising difficulties to themselves. To speak truth, it is hard to say who are most to blame, they who are pleased with every thing, or they who are pleased with nothing, they write. With regard to the last extreme, it often induces young men of genius to waste their whole time in amendments, and their too great anxiety to speak well, sometimes shuts up their lips for ever.

This puts me in mind of what I was told by Julius Secundus, who was my cotemporary, and, as all the world knows, my particular friend, a man of wonderful talents in speaking, but scrupulously exact. His uncle was Julius Florus, who was at the
head

head of eloquence in Gaul, where he practised at the bar ; though indeed he must have made a figure any where ; and was every way worthy of such a kinsman : this uncle, I say, while Secundus was attending the schools of eloquence, one day met him in a very pensive mood, and asked him, why he looked so serious ? Secundus, (as he told me himself) frankly owned, that he had not for two days been able to compose an introduction to a declamation, the subject of which had been set him three days ago ; and that his inability not only gave him pain for the present, but made him despair of ever succeeding as a speaker. What, replies his uncle with a smile, do you intend, child, to speak better than you can ? This is the whole of the matter. We ought to aim at speaking to perfection ; and, for all that, we must speak as we can. In order to profit in our studies, we must not fret, but apply.

But, that we may attain to quickness and ease in writing, we must not only practise it often, (though in that there is doubtless a great deal,) but we ought to go about it methodically ; I mean, we ought not to be indolent, to be always gazing at the roof of the room, and muttering to ourselves, as if that would assist our invention, or waiting supinely till something shall present itself. No ; we are to be intent upon the nature of our subject, upon what is most suitable to characters, to the occasion, and the disposition of the judge ; and then we are to set about writing as well as we can, without troubling ourselves farther. If we observe this rule, nature and good sense will guide us both in the beginning and progress of our composition. Most things we ought to say are fixed and determined ; and we must see them, unless we wilfully shut our eyes. Even the most illiterate, the most uninstructed, of mankind, are seldom at a loss how to enter upon a subject,

ject, and shall learning render it difficult? That would be shameful indeed. Let us not therefore suppose that every thing that is most hid is most excellent; and that we ought to be silent, if we can invent nothing that is proper to be delivered.

But there is an opposite extreme. For the method of some is to begin and continue their matter with a rapid pen, that scrawls it quickly over, to write warmly and precipitately, and without interruption, and all this they call making out a rough * draught. They then set about reviewing and correcting what they have thus sketched, but they retouch only words and periods; their materials, which are hastily huddled together, remain without strength or significance. The right way therefore is to apply care at first, and conduct your work in such a manner, as to be always polishing and chasing it, without being obliged to carry it back to the foundery. Sometimes, however, we are to give way to the impulse of imagination; for there, heat generally does more than study.†

My condemning this over-hastiness in writing, sufficiently discovers my sentiments with regard to dictating, without writing at all. For when we write, however hasty we may be, yet still we must have some time to study, because our thought is quicker than our pen. But the person who takes down what

* Orig. Sylva.

† Though what our author has laid down in this paragraph is very plausible, yet perhaps it is the most questionable part of his work, and admits of great opposition. Writing is what every student ought to practise, and, I believe, does; but, in argumentative subjects, perhaps his best way is to perform a rough draught of the whole of what he intends to say. For why may he not review and meliorate things as well as words? I own, I cannot help thinking, that there is a littleness in the method recommended by Quintilian, that must be very disagreeable to a young gentleman of great genius.

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we dictate, is always close at our heels, and sometimes we are ashamed to seem to doubt, to pause, or to alter any thing, for fear he should have a slender opinion of our abilities. Thus, while all our ambition is to proceed without stopping, a great deal, not only of rude, but random, nay, impertinent matter, escapes us, and is as far from the fire of an unstudied pleading, as from the correctness of written composition. But should he who takes down what is thus dictated, be too slow * in writing, or if, when he reads what he writes, it should be found that he has been negligent, nay, has hurt it in taking it down, then the career of the person who dictates is immediately stopped; and this stop (sometimes anger at what has happened) immediately cancels all the fine ideas he had formed. Add to this, that those demonstrations which mark what passes in the mind, and indeed assist the imagination, such as the toss of the hand, the sternness of the look, the twist of the body, nay, scolding sometimes, with all the characters which Persius observes are wanting in a thin, slight style, when the author never strikes his desk, nor bites his nails; † all these emotions, I say, are ridiculous, unless we are by ourselves. But the most powerful argument of all against this practice is, that there can be no manner of doubt that a remote place, where nobody is by, (which cannot be the case when you dictate) and the most profound silence, is most proper for those who compose.

We are not, however, to imagine with some, that woods and forests are the most proper for this purpose, because their free air and fine prospects elevate

* The reader will perceive from what our author says here, that he speaks of those professors of rhetoric, who dictated in public, without premeditation, what their scholars took down, and suffered it to be published.

† Nec pluteum cædit, nec demæsos sapit ungues.

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the mind, and fertilize the imagination. For my own part, I think such retreats are more agreeable than they are improving. For the very pleasure they give us, necessarily takes our mind off from the purpose we are pursuing. For it is impossible for the mind to perform several functions equally well at the same time. And every time the thought is diverted, it is called off from the object of its study. Therefore the blooming woods, the purling streams, the breeze that whispers through the grove, and the bird that charms with its note, nay, the delightful extended prospect; all, I say, divert us from what we are about, and, in my opinion, rather unbend than brace our mental faculties. Demosthenes judged better; for he retired to a place where no voice could be heard, no object could be seen, that could divert his mind from its business. Therefore the silent night, the bolted closet, and the solitary taper, are the most proper for fixing meditation, as it were, upon its object.

But health, and temperance which is the parent of health, is of the utmost service in every, especially this, method of study, when we employ the time that nature has allotted to us for our rest and refreshment to the most fatiguing toils. We are therefore to bestow upon study no more time than we can safely spare from sleeping. For all fatigue is an enemy to the elegance of composition, and we shall have day light enough, if we can employ it well; nor shall we need to study till midnight, but upon extraordinary occasions. Meanwhile, the best retreat we can find is in study, as often as we can apply to it in full vigour of mind and body.

27 Silence, retirement, and a perfect tranquillity of mind, are indeed the greatest friends to study, but they do not always fall to a man's share. If therefore we should sometimes be interrupted, we are not immediately to throw away our papers, and give our
time

time up for lost : no, we ought to get the better of difficulties, and to acquire such a habit as to surmount all impediments by resolution and application. For if you resolve and apply in earnest, and with the whole force of your mind, to what you are about, that which may offend your eyes or ears, never can disorder your understanding. Does it not often happen, that an accidental thought throws us into so profound a train of study, that we do not see the people we meet, and sometimes wander out of our way ? May not this always be our case, especially when our study is not the effect of accident, but of determination ?

We are not to indulge ourselves in excuses from study ; for if we think we never are to apply to it but when we are vigorous, in high spirits, and free from all manner of other care, we shall always find pretexts to excuse us to ourselves. Let us always therefore find food for meditation, whether we are in a crowd, upon a journey, at table, or even amidst a tumult. How must an orator behave, if in the middle of a crowded court, surrounded with full benches, deafened with scolding, noise and shoutings, he is to prepare himself to deliver a long pleading, he can mark down in no other place than a solitary retreat, the heads of what he is to deliver ? For this reason, Demosthenes, great as his love of retirement was, chose to meditate on a shore that was lashed by roaring waves, that he might accustom himself to be undisturbed amidst the tumults of public assemblies.

As in point of study nothing is too minute to be overlooked, I must recommend to my student to write upon waxen tablets, because he can then most easily blot out ; unless his eyes are weak, so that he is obliged to make use of parchments, which, though they are easier for the eye, yet retard our writing, by the frequent returns of dipping the pen in the ink,
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and consequently break the force of thinking. In either case we ought always to reserve a large margin for making what additions we shall think proper. For when we write too close, we are sometimes loth to make amendments, and there is always some confusion arises by interlineations. Neither would I have my young orator to make use of too large pages ; for I remember one, who was otherwise a very ingenious gentleman, but was always sure to make his pleadings too long, because he measured them by the length of his page ; nor could he be drove from this ridiculous custom, though he was often told of it, until he lessened the size of his parchment. A space likewise ought to be left, where we may enter any matter that accidentally occurs in the course of our composition, though it is foreign to our subject. For it often happens, that an excellent sentiment forces its way into our mind ; and though it would be impertinent to insert it in our composition, yet we might lose it, if we do not immediately write it down, for sometimes it may slip out of our mind ; or if we retain it, it may divert us from our immediate study ; and therefore our safest way is to commit it to paper.

CHAP. V.

CONCERNING AMENDING AND CORRECTING.

I AM next to treat of amendments and corrections, those far most necessary parts of study : for it is, for very good reasons, believed, that blotting out is one of the best employments of the pen. Now this business consists in adding, retrenching, and changing.

ing. The two former are practised easily and readily ; but there is a double task required in abating the swelling, in raising the meanness, in subduing the luxuriancy, in regulating the disorder, in adjusting the looseness, and checking the extravagance of composition. For we must condemn what pleased us, and invent what has escaped us.

Meanwhile, it is doubtless that our best way of correcting is by suffering our compositions to lie by us a long time, and then have recourse to them as if they were quite new, and belonging to another, that thereby we may avoid that fondness which every one is apt to entertain for the new-born issue of his own brain. But every man, especially an orator, who must often write as the present emergency directs him, has not an opportunity of doing this. Besides, there is a mean in correction-itself. For I have known some, who never examine a piece without presuming it to be incorrect. They think it impossible that the first composition should be a finished performance, and imagine that every alteration of it must be for the better. And thus they serve a page as blundering quacks do a patient ; for when once they get a limb under their care, they are sure to lay it open, be it ever so sound ; till by pretending to cure it, it becomes hacked, withered, and useless.

Let us, therefore, know when we ought to be pleased ; at least, where we ought not to blame. Let our works be polished, but not wasted, by the file. Neither ought we to be extravagant, as to the time between composing and reviewing them. It is true, that the poet Cinna is said to have bestowed nine years in composing his *Smyrna* : and that Isocrates spent at least ten, in writing and revising his *Panegyric*.

gytic. But all this is nothing to the orator, who will never be able to produce any thing, if he shall bestow too much time upon what he writes.

CHAP. VI.

OF THE MOST PROPER EXERCISES IN WRITING.

I am now to treat of the exercises upon which we can best employ our pen. This would present us with a large field, if we were to explain what we are to do first, what next, and what last of all. But this I have done in the first and second books of this work, when I laid down rules for the exercises of boys, and of those who are more advanced in study. My present purpose is to shew how we can best attain to the copiousness and ease of style. Our old orators think this is the most successfully done by translating Greek into Latin, which Cicero, in his book concerning the characters and qualifications of an orator, says, was the practice of Lucius Crassus, and he often recommends the same in his own person; nay, he published some books of Plato and Xenophon translated into Latin with this view. Messala was of the same opinion, and composed many orations in this manner, particularly that for Phryne from Hyperides, in which he vies with his original, even in delicacy, a quality so hard to be attained to by the Latin tongue.

The utility of this practice is evident; for the Greek authors, not only abound with variety of matter, but have adorned it with every art of eloquence; and in translating their works we may employ the very best expressions, and yet confine ourselves to our own tongue. As to the figures that embellish our style, we shall be under a kind of necessity

cessity of inventing a great variety of them, because the genius of the two languages differs greatly in that respect.

A student will find vast advantages likewise, by altering Latin compositions into other Latin terms. This, with regard to the poets, is, I believe, indisputable; and it is said to have been the only exercise of Sulpetius. For the sublimity of poetry elevates a style, and the too great boldness of its expression may, by the orator, be softened into all the propriety of prose. Meanwhile this exercise admits of giving to sentiments all the strength of eloquence; of supplying whatever is omitted, and correcting whatever is loose. Neither am I for confirming this exercise to a mere transposition of terms. I would have it rise to rival and contend with the original, by expressing the same thing in a more beautiful manner. For this reason, I differ with those authors,* who are against this manner of altering Latin orations; because, say they, the best expressions are already laid hold of, therefore whatever we alter must be for the worst. For my own part, I think, we are never to despair of saying the same thing in better language; for eloquence has been formed by nature neither so thin, nor so poor, as that one thing can be well expressed only in one set of words. We see how players can introduce the same speech with great variety of action, and are the powers of eloquence unable to find a variety of manners to express what another has said before?

But granting that our composition is neither superior, nor equal, to our original, yet surely it may come near it in beauty. Does not every man's experience tell him, that he frequently says the same

* Quinctilian seems here to mean Cicero. See his *de oratore*, l. 1. c. 34.

thing

thing twice, and perhaps oftener, to the length sometimes of several sentences? Is not this a kind of contention with ourselves, and shall we then fear to contend with others? For if a thing can be said well only in one way, we must reasonably think that they who had gone before us have already seized it; whereas if the manners of expressing the same thing are various, several paths may terminate in the same point. Conciseness and copiousness have each their several beauties. Metaphorical and proper expressions have their peculiar properties. Simplicity recommends one diction, and a figure gives a beautiful turn to another. In short, the very difficulties we encounter, in endeavouring to excel, must at last make us excellent. Nay, by this method we gain a more thorough insight into the beauties of great authors; for we then do not hurry them over, but examine and review every excellency of their styles; and our very consciousness of our not being able to imitate them, is a proof that we know their value.

It is of great service to vary, in this manner, not only the works of another, but even our own compositions. Let us pick out certain sentiments from our own writings, and turn them as harmoniously as we can into different forms, as we would the same bit of wax into a variety of figures.

In my opinion, however, the more simple the matter is, it is the better calculated to improve us in this exercise. For amidst a vast variety of characters, incidents, times, places, sayings and actions, our inability may easily conceal itself, by chusing, out of so many, one thing that we can handle to purpose. But the proof of oratorical abilities lies in our being able to enlarge what is naturally contracted; to magnify what is inconsiderable; to diversify what is similar, to beautify what is common, and to find a great many good things to say upon one subject.

Those

Those indefinite questions, which we call *Theses*, are very proper for this exercise; and Cicero used to write in this manner, even when he was at the head of the Roman government. The reversing and confirming decrees is almost the same kind of exercise: because we can reason upon the decrees in the same manner as upon the cause which the decree has settled and finished. We may likewise treat general topics in the same manner: and we know that several such have been composed by orators. For whoever shall copiously handle those direct plain subjects without turning or winding, he will have much greater facility when he comes to treat of matters that admit of enlargement and embellishment, and he will never be at a loss to speak in any cause. For all causes may be reduced to general topics; for instance, Cornelius, the tribune of the people, is impeached, for having read a bill in public. Now there is no difference between this state of the cause and the following topic, viz. "Whether it is an act of treason in a magistrate to read in person before the people a public bill, which he himself has brought in?" Milo is to be tried for killing Clodius. When his cause is resolved into a general topic, it is as follows; "Whether it is lawful to kill one who way-lays you, or to kill a pernicious citizen, though he does not way-lay you?" "Was it right in Cato to make over his wife Martia, to his friend Hortensius?" "Whether such an action is consistent with a man of virtue?" In all these causes, the fate of the person is determined by the discussion of the facts.

As to declamations that used to be pronounced in schools of rhetoric; if they resemble real actions and pleadings, they are not only very useful to assist our progress in eloquence, by exercising at once our invention and arrangement, but they are of service

service even to the most finished and eminent orator; for they give a plumpness and smoothness to eloquence, by making her feed, as it were, on fresh provision, which recruits her spirits, and gives them a gentler flow, after being exhausted in the rough, unamiable, business of the forum. For the same reason, I sometimes would have my young orator's pen exercised in the historical style, because it requires to be full and polished. He may even indulge himself in imitating the freedom and facetiousness of conversation. Nay, I think him not to blame, if he amuses himself even with poetry, like wrestlers, who sometimes, disregarding the diet and exercises to which they are restricted, indulge themselves with ease and luxury. By having recourse to such amusements, Cicero, in my opinion, was enabled to throw such a blaze of glory upon eloquence. For if an orator is confined always to battle it at the bar, the brightness of his genius must grow rusty, its flexibility stiff, and its very point must be blunted by being continually in action.

But though they who practise, and, as it were, do duty at the bar, are revived and recruited by such amusements, yet young gentlemen are not for that reason to employ too much time upon romantic representations and idle fictions, otherwise they will be in danger of doating upon these phantoms so long, that they cannot be brought to face a real encounter, but shut their eyes upon it, as they do upon the brightness of the sun. This is said to have been the case even with Portius Latro, the first professor of any eminence we ever had in Rome. For, after he had distinguished himself highly by declaiming in his school, when he came to plead a cause at the bar, he begged with great earnestness, that the benches should be moved to the next place that had a roof upon it. So great a stranger was he to

the open air ; and so much was his eloquence confined within roofs * and walls.

The young gentleman therefore, who is perfectly well instructed in the method of inventing and expressing (which is no hard matter for a skilful master to do) and after that has made some advances in the practical part, ought, as was the custom with our ancestors, to pitch upon some orator, whom he ought to consider as his model, and the original he is to follow. Let him attend as many trials as he can ; that he may be a frequent spectator of the encounters to which he is destined. Let him then commit to writing the causes he has heard, or even others, provided they are real ones, and handle both sides of the question, and, like gladiators, let ' him fight, as if in good earnest ; as we are told was the case with Brutus, when he composed his oration for Milo, which he never pronounced. This is a better method than that of answering the orations of the ancients, as Sestius did that of Cicero for Milo, though it was impossible, from Cicero's pleading, that he should be furnished with all the arguments made use of on the other side.

A young gentleman, however, will sooner arrive at excellency if his master shall oblige him to declaim upon subjects that very nearly resemble real causes, and to go through every part of pleading. But the modern practice is, to cull out such subjects as are most easy and most amusing. The circumstances I mentioned in my second book are unfavourable, however, to this excellent method ; I mean a great crowd of scholars, and the custom of hearing certain classes upon certain days : and sometimes their fathers, who pay for their sons declaiming, though they can form no judgment of what

* The whole of this story, I think, proves pretty plainly, that the Roman courts of justice in the forum had no roofs.

they

they say.* But (as I have observed in my first book, if I mistake not) a master who knows his business will not crowd his school with more scholars than he can manage; he will curtail whatever is not to the purpose, and make his pupils confine themselves to the matter in hand, without rambling, as is the custom of some, into all kinds of subjects. Rather than they should do that, he will allow them a farther time for digesting their thoughts; or he will suffer them to divide the task prescribed them. For if one part of it is correctly executed, it is of more service to the student, than if he should begin many, and leave them unfinished. When that is the case, nothing stands in its proper place; nothing comes first, that ought to come first; for the young gentlemen crowd into what they speak, all the flowers and figures, which ought to be dispersed through the whole. And thus, for fear of losing an opportunity of introducing what ought naturally to follow, they huddle it in by the lump.

CHAP. VII.

CONCERNING PREMEDITATION.

NEXT to writing, premeditation is of the greatest use, and perhaps most generally practised. This forms a kind of a mean between the difficulty of composing upon paper and extemporary speaking. For every place and every time is not fit for writing; but we may exercise premeditation almost in all

* Orig. Numerantium potius declamationes, quam æstimationum. This passage has been misunderstood by the Abbé Gedyon. We have many proofs that the professors of rhetoric at Rome were paid by the parents of young gentlemen for every time they suffered them to declaim. See Juv. Sat. 7. Line 165.

times and places, and we thereby may become, in a very short time, masters of very great causes. Even when we are awake on our beds, it is assisted by the darkness of the night. Every interval of business gives room for it, and it never is idle. It does not consist only in laying down the general plan of a pleading, though that alone is sufficient to recommend it; but it even can join words into sentences, and give such a connexion throughout the whole pleading, that it requires only to be committed to paper to render it a finished composition. Nay, our memory generally retains what we thus premeditate, too faithfully to be unsettled by that carelessness and indifference which we are apt to fall into after securing it by writing.

3 But this power of imprinting things upon our memory is neither suddenly nor easily attained. For the first thing we ought to do, should be to give, by the practice of writing, our style such a form, as that it shall naturally present itself wherever we have occasion to use it. In the next place, we ought to practise this by little and little, by imprinting at first only a few points on our mind, so as to deliver them correctly. We are next to proceed by moderate degrees, and so carefully, that the mind must not perceive it is burdened, but gather strength by exercise, and fortify itself by continual habit. In all which the memory, it is true, bears the greatest share; and therefore I shall reserve some things on that head for another part of this work.

What I have recommended will bring an orator, who does not find an invincible obstacle in his genius, and shall give constant application, to deliver what he has premeditated with the same fidelity as what he has got by heart. Cicero tells us, that amongst the Greeks, Metrodorus Sceptius, and Eriphasus Rhodius, and, amongst the Romans, Hortensius,

tensius, could deliver a premeditated pleading without mistaking a single word.

But if, during the delivery, any instantaneous thought should present itself, we are not to be so foolishly scrupulous as to stick literally to what we have premeditated. For no premeditated discourse can be so exact, as not to admit of some accidental improvements. And very often, while we are delivering a written composition, if a good thought suddenly comes into our head, we give it vent likewise. Upon the whole, therefore, this matter ought to be so managed as that we may be readily able to leave or to return to it at pleasure. For though our first business is to come sufficiently and correctly prepared to the bar, yet it would be the height of folly to reject any accidental amendment that may suggest itself in the meanwhile. Premeditation therefore is intended to put it out of the power of Fortune to surprise us, but to leave her an opportunity of assisting us.

The strength of memory, however, enables us to deliver with fluency and correctness what we have thus premeditated, without stammering, going backwards and forwards, and being in a perpetual flutter, and not knowing what we are to say next, unless we have it by rote. For, extemporary speaking at all adventures is preferable to ill-digested premeditation. Because nothing is worse than to be groping for what we are to say; for when we are in search of one thought we lose another, and our memory finds us more employment than our matter. But were we to examine both manners, we shall find that more things may be invented than are invented.

CHAP. VIII.

CONCERNING EXTEMPORARY SPEAKING.

THE richest fruit, and, as it were, the fairest reward of an orator's long and laborious course of study, is the power of speaking extempore. He who is not able to do this, ought, in my opinion, to throw up the business of the bar; and if the pen is all he possesses, let him employ it to other purposes. For I think it inconsistent with the character of a man of virtue, publicly to profess that he is ready to assist another, though he knows he must abandon him upon the most pressing emergencies. This is like pointing out a harbour to a ship in a tempest, which it cannot enter but in calm weather.

The truth is, a great many sudden emergencies happen at trials of every kind, even though we have time enough before-hand to be prepared. If, in such a case, the life, I will not say of an innocent man, but of a near relation, or a dear friend, should be endangered, must a pleader stand mute? Or if the party must be condemned, unless he is immediately defended, is the advocate to beg for a little time, till he shall retire to shades and solitude, in order to prepare a fine speech, which he is to get by heart, while, in the mean time, he goes into a regimen, for the benefit of his voice and lungs? How then can any advocate be justified in acting as such, if he is incapable to speak, even on the shortest warning? When he is to reply upon the spot to his adversary, how will he behave? For very often that which we have premeditated, nay, that which we have written down, does not suit our immediate purpose; because:

because frequently the whole complexion of a cause changes on a sudden. An orator, therefore, is to alter his manner as the cause alters ; as the pilot works his ship, according to the shiftings of the winds and tides. In short, we may write a great deal, we may read a great deal, we may spend our life in study, all will be to no purpose, if we know no more of the practical part of our business than when we first began. All our past labour must go for nothing, if we have the same thing always to do over again.

Meanwhile, I am not recommending extemporary speaking preferably to any other. All I say is, we ought to know how to practise it ; and for this purpose, we are to consider, first, in what manner we are to speak. For we are not to set out upon a race without knowing from whence, and whither we are to run. It is not enough to know the several parts of judicial pleadings, or how to range the points they turn upon in proper order ; for though all that knowledge is very necessary, yet we must likewise know what is to come first, what next, and so-forth, and that in so natural an order, that they cannot be altered or displaced, without confusion. But whoever knows how to begin properly, is guided by the natural order of things ; and therefore we see men of very moderate experience at the bar, who are never confused or at a loss in stating a case. The next assistant I recommend for extemporary speaking is, for a pleader to know how to search for a thing in its proper place, without being obliged to stare round him, and having his senses disturbed by other ideas ; or confounding what he says by introducing foreign matter ; and starting from one thing to another, and never fixing to any one point. Lastly, I recommend a method and bounds which cannot be laid down, unless the pleader knows how to divide his discourse.

course. When he has made good to his power all the heads of the propositions he has laid down, he ought to be sensible that it is time to finish his pleading. All this we may acquire by the rules of art.

But it is study alone that can give us that command of language which I now require. By composing constantly and correctly, even our sudden effusions will pass as well as our most laboured productions; and by writing much, we shall speak copiously. Ease in speaking is owing to habit and exercise, and if these are ever so little intermitted, our progress is not only retarded, but our faculties themselves acquire a stiffness that renders them unactive.

A natural quickness of mind is of great service to extemporary speaking. For it enables us, while we are delivering one thing, to plan out what we are to say next. And our voice is always ready to second what we form and premeditate. But neither nature nor art is, singly, equal to the vast compass of thought that is required to invent, to arrange, to pronounce, to observe the order of words and things in what we are saying, in what we are next to say, and in what we cease to say after, all the while preserving the propriety of voice, pronunciation, and gesture; and all at the same time. For we must carry our view far before us; that, while we are speaking, we may purchase what we are to say next; and this foresight must guide us in our progress to the end of our pleading; otherwise we must be perpetually stopping, stammering, and, as it were, hickuping up broken words and half meanings.

There is, therefore, a certain practice that is void of every scientific principle, and is the same that guides our hand in writing quickly, and enables our eyes, while we are reading, to take in whole
lines

lines at a time, with all their stops and transpositions, and comprehend what is to come, before we pronounce what goes before. It is this practice that enables jugglers to surprise you with their cups and balls, and to shew such tricks of conveyance from one hand and object to another. But this practice is only useful in speaking when the speaker is previously well founded in the rules of eloquence. So that though, in itself, it is void of the principles, yet it may answer the purposes, of art. For my own part, I can endure no speaking that is not regular, ornamented, and copious.

Far less have I any relish for that tumultuary, fortuitous effusion of words, in which women, while they are scolding, so much abound. Meanwhile, I am sensible that there is a certain warmth and enthusiasm that strikes at a heart with more force than all the rules of art can communicate. When this was the case, our ancient orators, according to Cicero, pronounced the speaker to be divinely inspired. But this effect may be well accounted for. For, an imagination warm with recent ideas, gives to a style an uninterrupted rapidity, which must be deadened were we to commit to writing what we have to say, and must evaporate by being delayed.

If, therefore, we are unfortunate enough to be over-dainty in our expressions, if we stumble at every step we make, we cannot launch the bolt of eloquence; and, however proper each word may be, the composition, though perfect, must be stiff and interrupted. We ought, therefore, to be impressed with a lively idea of every thing we speak; we ought to place in the eye of our imagination every character, question, hope, and fear we treat of, and make them all our own. For it is strength, spirit, and energy, that render a man eloquent. As a proof of this, we see that the most ignorant person
2
alive,

alive, when his passions are sufficiently warmed, has words at will. Then it is the mind exerts itself. It does not fix itself upon any single object, but connects many. Thus, when we send our eye to the extremity of a right line, it comprehends not only that extremity, but all the intermediate and adjoining objects. Eloquence is likewise prompted by fear of shame, and expectation of applause; and it is surprising, that though when we are composing, we fly to solitude, and hate all company; yet in extemporary speaking we are fired and pleased the more numerous the audience is; in the same manner as the display of arms and the sound of trumpets gives spirit to the soldier. For the necessity we are then under to speak, expels and banishes the slowness of conception; and a violent desire to please crowns our attempts with success. All mankind hope to be rewarded for what they do. And the eloquent, though eloquence itself is one of the highest pleasures, are strongly stimulated by the expectancy of immediate approbation and applause.

But no man ought to place such confidence in his own abilities, as to hope to rise to the highest pitch of reputation by his first efforts. For, as I observed when I was upon the subject of premeditation, our extemporary powers of speaking must rise by degrees, from inconsiderable beginnings to perfection. And this can neither be acquired nor maintained without practice. Let me add, that we are to employ premeditation so as to endeavour to speak what is more safe, but not what is more excellent, than that which we deliver extempore. Nay, this excellency has been attained to in the extemporary way, not only in prose, but in verse; witness Antipater Sidonius, and Licinius Archias.* For in this

* Both these poets are celebrated by Cicero for their extemporary faculties in writing verses.

we are to believe Cicero. Even in our own time, some poets have succeeded, and now succeed, in the same way. Not that I think in poetry it is greatly to be approved of, but I imagine that their example will be a prevailing motive with our student to attempt the same in eloquence.

Neither do I think that any speaker ought to have such reliance upon his extemporary abilities as not to take some time, however short, (and some time we generally have) in running over within his own mind what he is to say. Nay, in courts of justice and in the forum, he has always leisure for this. Besides, no man alive can plead a cause in which he is wholly uninstructed. Certain declaimers, however, are so miserably vain, that they immediately attempt to speak upon a subject that has been but just explained to them ; and, what is still more puerile and farcical, they ask you with what word they shall begin. But if, in such a practice, they affront eloquence, she has her revenge in laughing at them. For, if fools think them learned, wise men know them to be ignorant.

But if, by some very great accident, we should be under a necessity of speaking in public without the least previous preparation, we are then to exert all our quickness and flexibility of genius. And, if we have no time to mind both, we are to attach ourselves to things, rather than words ; about which, in such an emergency, we are to be very curious. But then we shall gain some time by speaking slowly, and in such a manner as discovers suspense and doubt ; yet so as to seem not to hesitate, but to deliberate. This manner we are to observe, while we are sailing out of the harbour, and while we are fitting our tackling ; till by degrees we hoist our sails, we ply the ropes, and wish for a brisk gale to carry us on our voyage. This is much better than
to

to drive before a torrent of useless words, which carry us we know not whither.

But it requires as much address to maintain, as to acquire, this art; for it requires practice to fix any art * in the mind. The practice of writing is but little hurt by a small intermission, but what I am now recommending must always be at hand, and in readiness, and consists in practice alone. The best way of exercising it is, to handle every day some subject, before several auditors; especially such whose judgment and approbation we are proud to court; for it seldom happens that a speaker has a sufficient check upon himself. And yet, it is better to practise without an audience, than not to practise at all.

25

There is likewise another manner, which is, to handle a subject through all its parts mentally, as if we were debating within ourselves. And this we may do in all places, and at all times, when our mind is disengaged, and not intent upon any other particular subject. In some respects, it has the advantage over the other manner I have recommended. For we are then at more leisure to arrange things with care and exactness, than when we are under a concern for fear we should be forced to interrupt the thread of our discourse.

On the other hand, the first manner contributes more to the strength of the voice, the volubility of tongue, and the attitudes of the body, which, as I have already observed, give spirit to an orator; for the movement of the hand, and the stamping of the foot, rouse him up in the same manner as lions are said, with their tails, to lash themselves into rage. We must, however, study at all times and in all places. For it very seldom happens that our time

* I have here followed the sense which Burman gives of the words of the original, which are very perplexed.

is so taken up, as that we shall not be able to gain a few minutes, either for writing, reading, or speaking; which, Cicero tells us, Brutus never failed to do; nay, Caius Carbo carried this practice so far, that he did not omit it even in his tent. Neither must I forget what Cicero himself recommends, that, we never ought to be careless of our style, even in our common conversation, but to speak every thing as correctly as the subject will admit of.

But we never have more occasion for writing, than when we are obliged to speak a great deal extempore; for writing gives weight to our words: and the wavering, fluttering manner of extemporary speaking, settles acquired solidity; in the same manner as the husbandmen prune the first roots of the vines, which only fasten upon the surface of the earth, that they may make way for the others to shoot the deeper into the ground. I am not sure whether reading and writing, when practised at the same time with care and assiduity, do not mutually assist each other; so that by writing we speak more correctly, and by speaking we write more easily. Let us write, therefore, whenever we have an opportunity; when we have none, let us meditate. When we can do neither, we may, at least, do our best, that the pleader be neither surprized, nor his client abandoned.

But it often happens, that men of great business write down the beginning and the chief heads of their pleading, and trust to their memory, and to their extemporary powers of speaking, for the rest. The notes * of Cicero, which still remain, shew that this was his practice. But we have other notes by other orators that are more finished, and perhaps composed in the form they designed to speak them.

* Orig. Comentarîi. These were a kind of memorandum books, made use of by the ancients.

These

These have been regularly digested and published to witness those of the causes pleaded by Servius Sulpicius, of whom three pleadings are extant. I then these notes are drawn up so carefully, that, in my opinion, they were intended for the benefit of posterity. The notes Cicero left behind him were only for his own private use, and were abridged by his freedman Tyro; an action which I do not prove of; but I mention it, that we may admire them the more.

Of the same kind are those little written upon slips of paper which an orator holds in hand, and which he may look into to refresh memory. I do not, however, approve of what Leontius recommends, of making a summary of what he writes, and reducing it under certain heads. For this manner gives us a security, which spoils the memory and mangles and disfigures the style. As to my own part, when we are to speak extempore, I am against writing any thing at all; because our mind will always be called off to what we have thus prepared, and we have no opportunity of trying our real temporary faculties. Thus the mind, by wavering between the writing and the memory, loses all benefit of the one, without attempting to say any thing new from the other. But I shall speak of memory hereafter, though not immediately, because of certain intervening matters.

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK XI.

INTRODUCTION.

CONCERNING PROPRIETY OF SPEECH AND STYLE.

The Necessity of speaking properly—Of Purpose—Gracefulness—Circumstances—Caution against Vanity—Cicero defended—Becoming Confidence is not Arrogance—Cautions against other Improperities of Style and Action—Considerations upon Characters, Times, Circumstances and Causes, and the Manner of treating each.

HAVING acquired, as is mentioned in the last book, the faculties of writing, premeditating, and, (should emergency oblige us,) of speaking extempore likewise, we are next to study how to speak with propriety; which Cicero calls the fourth character of eloquence; and, in my opinion is indispensably necessary to an orator. The ornaments of style are many and various; some are suited to one subject, and some to another; and unless each is fitted to things and characters, ornaments will be so far from beautifying, that they will stifle them, and have an effect contrary to what is intended. For what would it avail us to make use of words that have purity, significancy and neatness, bespangled with figures, and harmonious in sound, unless they are adapted to

those sentiments which we want to raise and fix in the judges? To what purpose can eloquence serve, if, in trifling causes, our style is pompous and lofty; in great, plain and neat; in horrid, gentle; in sorrowful, gay; in compassionate, blustering; in spirited, submissive; and in agreeable, fierce and impetuous? This is like disguising men in bracelets, pearls, and trailing gowns, which are the ornaments of women; and cloathing women in the grandeur and majesty of a triumphant robe.

This subject is slightly touched upon by Cicero, in his third book, concerning the character and qualifications of an orator; where he says, that one kind of style cannot agree with every cause, every hearer, every character, ever juncture. This is saying every thing in a few words. And several passages in his *Speaker* are to the same purpose. But we are to remember, that the words I quoted are put into the mouth of Lucius Crassus, who speaks them to complete orators, and men accomplished in all kind of learning; and therefore it was sufficient for him to give just a hint of his meaning. In the *Speaker*, Cicero addresses himself to Brutus, who, he says, was sufficiently acquainted with all this matter, and for that reason it was needless to enlarge upon it. Though it is a copious topic, and has been fully handled by philosophers, my present purpose is to inform the uninstructed; it is not for the use of the learned alone that I write, but of the unlearned; and, therefore, I hope to be indulged in considering it more minutely.

An orator, therefore, is, above all things, to learn the proper means of conciliating, informing, and moving the judge, and the purpose he ought to aim at in every part of his pleading. He is, therefore, never to employ words that are obsolete, metaphorical, or fanciful, either when he introduces,
states.

states, or argues his case. In dividing and digesting it he is not to affect a pompous sweep of periods, nor a brilliancy of expression. He is not to wind up his pleading in a style that is low, vulgar, and careless. We are not to mourn when we joke, nor to dry up tears, when we should be drawing them. For nothing in itself is ornamental. It only becomes so, when it suits with the matter to which it is applied; and we ought as carefully to consider propriety as beauty. But the whole art of speaking with propriety is equally connected with invention as elocution. For if there is such a force of words, how much greater force must there be in things? And of those we have already pointed out the natural order.

At present I am to inculcate upon my reader with all possible care and earnestness, that no man can speak with propriety, unless he equally regards what is graceful, as what is expedient. I am sensible that these two characters are generally united, for that which is graceful is commonly useful. And the judges never are more won than when decency is observed, and never more disgusted, than when it is not. Sometimes, however, propriety and gracefulness disagree. But whenever that is the case, dignity ought to get the better of utility.

For it is well known that it would have been highly serviceable to Socrates, if, when he was tried, he had been prevailed upon to have made use of a judicial defence; if, by a submissive manner, he had won over the affections of the judges, and had employed strength and spirit in destroying the charge against him. But such a defence would have been unsuitable to the dignity of that great and good man; and therefore all the defence he made was, that, so far from being worthy of punishment, he deserved the highest honours. For this
wisest

wisest of mankind chose rather to forfeit the short remnant of his life that was to come, than the whole of it that was past. Finding he could meet with no justice in his own times, he appealed to the judgment of posterity. And by abridging his old age of a few years, he was rewarded with immortality, and will live to all future ages. With this view he rejected the pleading which Lysias, who was reckoned the most eloquent orator of his time, brought him ready penned, with a compliment to the author, "That it was finely composed, but not suited to his way of thinking." From this instance, were there no other, it appears that the business of an orator may be not to speak with success, but with dignity; and that on certain occasions, success may be shameful. This conduct of Socrates was ineffectual for his defence, but, which was more important, glorious for his character.

Therefore I lay it down as a principle, that a thing may be decent which is not profitable; but this is in compliance with the common prejudices, rather than the strictness of truth. For the first Africanus rather chose to leave his country, than to submit to defend his innocence against a low worthless tribune, yet he therein consulted his interest as well as his honour. Neither can we imagine that Publius Rutilius was insensible of his true interest, when he defended himself like a second Socrates, or when he chose to remain in banishment, though he was recalled to his country by Publius Sylla. These great men thought the little considerations, which the vulgar think so advantageous, were despicable, when compared with virtue; and therefore their memory will be held in perpetual veneration. Let us therefore not be so grovelling as to imagine that what we think thus glorious is unprofitable. But this difference seldom happens in the course of an
orator's

orator's practice. For, generally speaking, in causes, the same thing that is becoming, is likewise profitable. Some things there are, which are becoming to all men in all times, and in all places, and which never can be unbecoming or disgraceful. As to lesser considerations, which partake, as it were, equally of virtue and vice, they are generally of such a nature, that in some they are becoming, and in others not, and they are more or less excusable or blameable, according to characters, times, places or causes. But when we plead either our own cause or that of another, we ought as much as possible to lay aside such middling considerations, and to throw every thing we say under the * heads either of virtue or vice.

All boasting and self-applause has a very bad effect; nay, when an orator boasts of his eloquence, he commonly renders himself odious, as well as tiresome, to his hearers. The mind of man is endued by nature with a noble, elevated principle, which cannot well brook the superiority of others. This principle, too, leads us to take pleasure in raising the fallen or humble, because that gives us an air of grandeur: and whenever emulation ceases, humanity succeeds. But he who is extravagant in his own praise, seems to treat us with arrogance and contempt, not so much with a design to raise himself, as to humble us. This pulls upon him the hatred of those whom he thinks below him.

This failing of self-conceit is chiefly incident to

* The whole of this passage is so perplexed, that the Abbé Gedoyn frankly owns he does not understand it, though he has translated it. I think, if my author has any meaning, it must be as I have expressed it; because the business of a pleader being either to impeach, or to defend, he is to exaggerate or to extenuate as much as he can. This passage being very difficult, commentators have said nothing at all upon it.

those who are too proud to yield, and too weak to fight; and therefore they ridicule their superiors, and censure the blameless. We commonly, however, see that they who are most vain of their merit, have the least share of it. A man of real abilities finds enough within himself to give him pleasure. Cicero has been warmly attacked upon this head, though if we look into his orations, we shall find that he did not so much boast of his eloquence, as of the great services he had done his country. But he generally had reasons for what he did. For he either did it in defence of those who had assisted him in extinguishing the conspiracy of Catiline, or to clear himself from those imputations under which he at last suffered, by being driven to banishment for having saved his country; so that, upon the whole, the frequent mention which he makes of his glorious conduct, during his consulate, is not to be ascribed so much to his vanity, as to the necessity he was under to defend himself from others.

As a proof of this, we perceive that in his pleadings, though he bestows the highest encomiums upon the orators who speak against him, yet he never runs out into any extravagance of self-applause. "If my lord, says he, in the beginning of his pleading for Archias, I have any capacity, which I am conscious is but slender." And in his pleading for Quintius, "This cause, says he, is so circumstanced, that I, who have but small experience, and less capacity, am to encounter a most eloquent pleader." Nay, even in his pleading against Cæcilius in the previous trial (who was to impeach Verres) though eloquence was an important consideration on such an occasion, when a prosecutor was to be chosen, yet he rather extenuates the eloquence of his antagonist, than exaggerates his own. For he does not say that he had attained to eloquence, but that
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he had done his best for that purpose. It is true, he sometimes does justice, and no more than justice, to his character, as an orator, in his familiar epistles, and sometimes (but always under another character) in the conferences he composed.

But after all, I know not which is most intolerable; the man who is simple enough to be undisguised in applauding himself, or he who makes use of a sneering kind of self-applause and ostentation. For instance, when a man who is immensely rich tells us that he is miserably poor; one who is of noble blood, that he is of mean extraction; one who has vast interest, that he is without support; and he who has eloquence, that he is a mere novice and a changeling at the bar. Now all this sneering kind of humility, is no other than gross self-applause and ostentation. We are therefore to let others praise us. Nay, Demosthenes says, "that even while others are praising us, we ought to blush."

Meanwhile, I am far from meaning that an orator is never to speak of his own actions. Demosthenes did it in pleading for Ctesiphon; but such was his management, that he shewed he was under a necessity of doing it, and he threw all the blame of his doing it upon Æschines, who had reduced him to that disagreeable necessity. Cicero likewise makes frequent mention of his defeating Catiline's conspiracy, but he ascribes it sometimes to the virtue of the senate, and sometimes to divine providence. When he vindicates himself more openly, he does it generally when he answers his enemies and slanderers. For he was obliged to defend his reputation when it was attacked. I wish, however, he had been more modest in his verses, which have afforded such subject for criticism to his enemies ;
meaning

meaning the two famous doggerel verses,* and likewise those passages in which he mentions Jupiter introducing him into the assembly of the gods, and Minerva who had instructed him in all the arts. But he was led into all these extravagancies by the examples of some Greeks, which he thought himself at liberty to imitate.

Meanwhile, though I discommended an immoderate swaggering, yet I am not against a decent assurance in an orator. For what can be more graceful than what Cicero says in his second Philippic, "What can I think? That I am despised? I see nothing in my life, in my character, in my actions, nor in my capacity, slender as it now appears, which Antony can despise." In a line or two after he expresses himself more openly; "Did he intend, says he, to dispute with me the prize of eloquence? This, indeed, is doing me a favour. For can I have a fairer, or fuller advantage, than both to plead for myself, and against Antony?"

Another species of arrogance or boasting is, when an orator tells a judge that he himself had examined into the merits of the cause; that it is impossible the verdict should go against him, and that, had he not known that, he would not have appeared in it. For judges do not love to hear an orator encroaching upon their duty; there is a great difference between a court of justice, and the school of Pythagoras, where all the scholars acquiesced in the master's ipse dixit; if he said a thing, they swallowed it.

An excess of this kind, however, is the less intolerable, when the person who commits it is distinguished by experience, dignity and authority, and the offence is always proportioned to the character of the speaker. Yet, be a man's character, in

* Cedant arma togæ, concedat laurea linguæ.
O fortunatam natam me consule Romam!

those

those respects, ever so great, it cannot excuse him for being modest, while he is peremptory. And not only what he says in that manner, but all that he mentions from his own person or knowledge, that serves his cause, ought to be tempered with softening expressions. There might, for example, have been a kind of vanity, if Cicero, while pleading for Cælius, had flatly said, that there was no disgrace in being the son of a Roman knight while he was his advocate. But he turned this circumstance to the advantage of his client, by grafting his own dignity upon that of the judges; "That he is the son of a Roman knight, says he, ought never to have been urged in accusation, where these were to prosecute, where you were to judge, and I to defend."

(An impudent, noisy, passionate manner of speaking is disgusting to all mankind, and the more so, if it happens to be practised by a pleader of years, dignity and experience.) It is common to see wranglers forget all regard due to the judges, and neglect every rule of decency and behaviour in their pleading. Such men discover, by their conduct, how little they have honour at heart in any cause they undertake or plead. For a man is generally to be known by his words, and we judge of what he thinks, by what he says. (The Greeks had a good proverb to this purpose, As you speak, you live.) Those who are over-run with the itch either of adulation or affectation, are apt to sink into the still more disagreeable extremes of mean flattery, studied buffoonery, an abandoned prostitution of character with respect to modesty and decency, and a disregard of all authority in every part of business.

Some men are fitted for one, and some for another, kind of eloquence. The copious, confident, bold, ornamented manner is not so becoming in old men, as that which is concise, gentle and smooth; this
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is the character which Cicero means, when he says, "that his style begun to be grey-headed." For the same reason that purple, glossy robes suit ill with men of advanced age. Young men may use more freedom, even to a degree of daring. In such, we generally hate a dry, finical, studied manner of speaking, as an hypocritical affectation of correctness, because we think it unnatural to see a young man put on a gravity and severity that is only becoming in old age.

A frank, open manner of speaking, suits best with a military man. As to those who profess (as some do) to hold forth upon philosophy, all ornaments of speech are unsuitable to their profession, especially such as are designed to move the passions, for they think it highly blameable to attempt that. They ought not to make beautiful, harmonious periods; for such a style is inconsistent with philosophy. Their length of beard, and sourness of look, does not admit of Cicero's gay manner, when he says, "Rocks and deserts are respondent to the voice." Nor indeed in that other more manly manner of his, which he introduces into his pleading for Milo; "You, ye Alban mounts and groves, I implore and attest; and you, ye dismantled altars of the Albans, companions and partners with Romans in their rites."

My orator, however, whom I suppose to be a man of business, and of good sense at the same time, will not abandon himself to frothy altercations, but study the arts of government: a study that has been entirely abandoned by those whom we call philosophers. And therefore when his own mind is once perfectly well satisfied, with regard to the honour and justice of what he undertakes, he will apply himself earnestly to improve his style in every particular that can contribute to his succeeding in his purpose.

A great

A great man, however, may take liberties that will not be pardoned in one of an inferior degree. The man who conquers and triumphs at the head of armies, may have a peculiar eloquence that is graceful in him; thus, Pompey always spoke well and nobly, while he was giving an account of his own conduct. And Cato of Utica, who killed himself in the civil war, always expressed himself with great eloquence when he spoke as a senator. The same thing, when spoken by one man, may be looked upon as freedom; if by another, as folly; and if by a third, as pride. The reproaches bestowed by Thersites upon Agamemnon are ridiculous; but put them into the mouth of Diomedes, or any of his equals, they will appear noble and spirited. Says Lucius Crassus to Philip, "Shall I look upon you as a consul, when you do not look upon me as a senator?" There spoke all glorious liberty! And yet it is not every person that we could suffer to speak so. Catullus says, "That he does not trouble his head, whether Cæsar's complexion is black or fair." This is mere folly. But supposing Cæsar to say the same thing of him, it is then disdain.*

Dramatic writers, above all, are obliged to keep up to the propriety of characters, of which they introduce a great variety. The same propriety was preserved, and for the same reason, by those who composed orations for others, and by declaimers. For we do not always speak as advocates, we often speak as parties. Even when we plead causes, we must carefully preserve the manners of each character; for we often make use of fictitious characters,

* Orig. *Arrogantia*.] Our commentators have taken no notice of this word, and the Abbé Gedoyne translates it arrogance, but I cannot see with what propriety. And, indeed, I strongly suspect that the word has crept into the text. It will, however, bear the sense I have given it.

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and speak, as it were, by the mouth of others, and then we must speak as we suppose they would have spoken. We give one manner to Publius Clodius, another to Appius Cæcus; the old man in Cæcilius has one character, the old man in Terence has another. Can any thing be more horrid than the words of the lictor, belonging to Verres? "Before you can approach him, you are to give so much. Before I suffer you to receive any sustenance, you must give me so much. What will you give me if I strike your son's head off at one blow? If I do not put him to a lingering death?" and so forth. How noble and how brave, on the other hand, was the constancy of the Roman, who while he was ignominiously scourged, continued saying only, I am a citizen of Rome! When Cicero in his *peroration* introduces Milo speaking, how gracefully suited are his words to the character of a man, who in defence of his country had so often quelled the fury of a seditious citizen, and had conquered craft by courage! In short, there is not only as great a variety in the *prosopopœia* as in the cause, but a greater: because we often introduce boys, women, people, nay, inanimate objects, speaking and imploring, and we must preserve the propriety of character in each.

This same propriety must be observed with regard to the parties for whom we speak. Very often one character requires one manner, and another, another; according as the party is noble or mean, odious or popular; marking, at the same time, their several pursuits and conduct. The greatest recommendation, however, to an orator proceeds from his humanity, his affability, modesty, and benevolence. Yet it is consistent with a man of virtue to lash the wicked; to be zealous for the public good; to call for vengeance upon guilt and injustice, and always to speak and act like himself, as I have already mentioned.

We

We are likewise to attend not only to our own and our client's character, but to that of the judge before whom we plead. Fortune and power introduce great difference with regard to a judge. The sovereign, the magistrate, the senator, the private gentleman, require each a different address and manner. And we are not to speak with the same spirit in a private arbitration, as at a solemn trial. When we are speaking in capital cases, earnestness and precaution become us; for then we play off every engine that can give force to what we say. But in matters of small moment, all such efforts are idle and ridiculous; and a man would be laughed at, if in a private hearing, on a trifling affair, he should say with Cicero, "That he feels not only great weight upon his spirits, but a trembling in every joint of his body."

There can be no manner of doubt that a grave senate and a giddy people are to be spoken to in different manners. Nay, where there is but a single judge, if he is a man of virtue, we address him differently from what we would do, if we knew him to be a worthless fellow. The scholar, the soldier, the clown, require to be spoken to in different manners. And sometimes we must lower and abridge our style, for fear the judge should be unable to apprehend or understand it.

We ought likewise to pay great attention to time and place. There are times of gaiety and sullenness; sometimes we are free, and sometimes we are limited to a certain time; and the orator is to conform his speech accordingly. There is likewise a great difference as to the place in which we speak; whether it is public or private; frequented or retired; in our own, or in a foreign state; in the camp, or in the forum. Each place requires a different address, and
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a different manner of speaking; as in common life we are differently employed in the forum, at the court, in the field, in the theatre, and at home; and a great many things, which are so far from being blameable in their own nature, that they are sometimes necessary, become scandalous, when they are done otherwise than as usage directs.

I have already observed how much more brilliancy and ornament the demonstrative manner, which is composed so as to please the hearers, admits of, than the argumentative and judiciary manner, which turns upon law-terms and disputable matters. But I am farther to observe, that such may be the circumstances of a cause, as to render it improper to introduce into a pleading some of the brightest beauties of eloquence. Supposing a man to plead for his life before his prince or his conqueror, could we bear with him, if he was perpetually attempting metaphors, introducing new-coined and obsolete expressions; a curious, finical, uncommon arrangement of his words; sweeping periods, pointed sentiments, and merry jokes? Would not such a manner destroy all that appearance of awful concern, which is so necessary for the man who speaks for his life, and that pity which even the innocent are obliged to implore? Can we be touched with the fortune of a man, whom in such deplorable circumstances we see puffed up, vain and swaggering with self-conceit, and making an ostentatious display of eloquence? No, we should rather be apt to hate him for his eager hunting after words, for his earnest courtship of applause, and for his having leisure to be eloquent. This was very finely guarded against and understood by Cælius, when he defended himself against a prosecution for an assault; "that none of you, my lords, says he, or of my prosecutors, who are here
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in court, may think that either my sentiments or looks are irreverend, or that my language is indecent, or my behaviour in any respect assuming."

Nay, some defences consist entirely in offering satisfaction, in deprecating and acknowledging; in such cases, is the party to weep in pointed sentences, or to implore in flourished periods? Does not every embellishment of distress weaken its force? And does not security damp compassion? If a man were to prosecute one who had murdered, or worse than murdered, his son, would he set forth his narrative in curious, sparkling expressions? Would he aim at beautifying it? And, without being contented with a concise, but expressive, state of the case, would he arrange his arguments upon his fingers, and then enter into a studied regularity of propositions and divisions, or, as often happens in such cases, speak with coldness and unconcern? If he should, what must we think are become of all the agonies he ought to feel? Where are his tears? How has he then leisure for that attention to the minute rules of art? No; when a man wants to make his hearers feel the anguish which he suffers, his whole pleading must be agony itself, and his distress painted in his countenance all the time he speaks; upon the least abatement of passion, he will find it difficult to revive his own sentiments in his judges.

This is a caution extremely material for those who deal in declamation, (for I love to look back upon my former employment, and to omit nothing that can contribute to improve the orator I have undertaken to form) for declamations give great room to the play of passions, and therefore we speak them not as advocates, but parties. Let us, therefore, for example sake, suppose the case of a man who is reduced, either by calamity or remorse, to implore the

the senate for leave * to put himself to death. In such a case, the declaimer, who is supposed to represent this unhappy man, is not to fall into the common, foolish manner of whining out his request, neither is he to bedizen it with ornaments. Even in the arguments he brings, passion should mingle, nay, predominate. For we cannot see a man under such circumstances, able to suspend his grief, without suspecting that he is able to shake it off likewise.

I know not, however, whether this observation of propriety, which I am now recommending, ought not greatly to regard the persons and characters of those against whom we speak. For, doubtless, in all prosecutions, we ought to behave so as to make it appear that we do not wantonly undertake them. I therefore am shocked at what was said by Cassius Severus, "Good gods! I live to see in the world the thing that can give me the greatest pleasure; I see Aspernas impeached." Here the prosecutor seems to impeach him on account rather of some personal resentments, than from his love to justice.

We ought, therefore, to have a general regard for mankind, and yet a cause may be so circumstanced as to require a peculiar management. When a son, for example, sues for the possession of his father's estate, he ought to express his sorrow for his father's inability to manage his own affairs; and whatever heavy charges the father may bring against the son, the latter is to express the vast concern he is under, for being reduced to the disagreeable necessity of doing what he does; and this, too, not by some tran-

* The reader is not to imagine that the thing here mentioned ever happened in Rome; though we are told that the people of Marseilles, and the island of Coos, had a right to apply to their magistrates for the leave mentioned here; which was granted them, if they could give sufficient reasons for their request.

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sient expressions, but through the whole progress of the cause, so that he may appear to feel what he says. In like manner, a guardian never will be so angry with a ward who brings him to a severe account, so as not to discover some vestiges of affection for his person, and some regard to the memory of his father. If I mistake not, I have in the seventh book described the conduct which the several parties ought to observe in courts of justice, against a father who has disinherited his son, or a wife who complains of her husband. And in the fourth book, where I have laid down rules for introducing a pleading, I have shewn where it is most proper for a party to speak himself, and where to employ an advocate.

There can be no manner of doubt that there is a certain decency or indecency in single words. But in order to finish this topic I must add a matter of very great difficulty; I mean, how we are to manage when we are obliged to mention things that are not quite becoming in their own nature, and which if we could, we would leave unmentioned, so as that the speaker might avoid all indecency. Now what can be more shocking to the understanding and ears of mankind, than for a son or his advocates, to prosecute a mother; yet this sometimes may necessarily happen, as in the case of Cluentius Avitus. But an advocate is not always to observe the same manner that Cicero did in speaking against Sassia; not that his management was not very good, but because it is a matter of great consideration in what respect and what manner a mother is to be attacked. But a monster like her, who avowedly sought only to destroy her son, was to be treated with the height of severity.

Two points still remain to be spoken to, and Cicero has divinely observed both. In the first place,
that

that a son never ought to forget the reverence he owes to his parents. In the next place, that by a detail of circumstances from the original of the cause, the speaker ought minutely to shew that what he was to speak against the parent was dictated not only by justice, but necessity. Cicero begins with laying down that principle, though in fact it was foreign to his subject; but he was fully convinced, that in a cause so difficult and so delicate at the same time, the first consideration ought to be decency. By that means he kept the son clear of all hatred to the name of his mother, and pointed against herself all the indignation which it raised. It may, however, possibly happen for a mother to have a law-suit with her son, about matters attended with little consequence or rancour. In such a case, the son's defence ought to be respectful and submissive. For by offering all the satisfaction that is in our power, we either divert the indignation of the hearers from ourselves, or we transfer it to another party; and if the son shall make an earnest profession of his sorrow, he will be thought innocent, and the court will believe the prosecution to be groundless. There is a decent manner likewise in such causes, of throwing the charge upon a third party, so as to make it believed that it arises from their dark designs. In such a case we are to protest that we will suffer the greatest hardships rather than say any thing inconsistent with filial duty. And to manage so, that though in fact we have nothing to retort, yet that our forbearance shall seem to be the effect of our moderation. Nay, even when there is ground for a charge, the business of an advocate is to lay it so as that it may seem to be brought against the inclination of the son, and merely in compliance with his own duty as an advocate. Thereby both of them acquire applause. The same rules of conduct I have laid down

from a son to a mother, holds good with regard to the father likewise. For I have known sons go to war with their fathers, almost the moment they came of age.

When we have differences even with more distant relations, we ought to behave so as that whatever we speak against them should seem to be extorted from us by necessity; and it ought to be touched upon as sparingly as possible. The measure of it, however, ought to be directed according to the regard that is due to the person of the party. I recommend the same respect to a freeman who has a law-suit with his patron. And, to sum up the whole of what I have to say on this head, in such cases we never ought to behave to an opposite party in such a manner as would shock ourselves, were he to behave so to us.

There is so much regard due to men in power, that sometimes we ought to think ourselves obliged to account for the freedom with which we treat them, lest it should be thought that in attacking them, we are guilty either of petulance or vanity. Therefore Cicero, before he pronounced his bitter invective against Cotta, which he could not avoid without injuring the cause of his client, Publius Appius, prefaced his invective with a long apology, setting forth the necessity he was under of pleading in that manner. We are likewise sometimes to treat inferiors, especially if they are very young, with a gentle lenient hand. Cicero observes such a conduct towards Atratinus, in his pleading for Cælius. For, far from reproaching him with the bitterness of an antagonist, he treats him almost with the indulgence of a parent. For he was a young nobleman of high rank, and he had several provocations to bring the impeachment.

But the great difficulty of a pleader is not to give such

such proofs of his moderation and tenderness as are satisfactory to the judges or the bystanders ; for he will find it a much harder matter to plead against those antagonists whom he is afraid of offending. Cicero, when he defended Muræna, encountered two antagonists of that kind in the persons of Marcus Cato, and Servius Sulpicius. While he allows every virtue to the latter, how handsomely does he expose his pretensions and address in standing for the consulship ! And yet could a man of quality, and one who was a kind of oracle in the law, meet with a more severe mortification than a repulse of that kind ? But how beautifully does he account for his pleading for Muræna, when he says that he had opposed his election in favour of Sulpicius ; but that he did not think himself at liberty to refuse to defend him against a capital impeachment. But with what a delicate hand does he touch upon Cato, to whose natural virtue he pays the highest compliments ; and imputes his being somewhat too untractable upon some heads, not to himself, but to the principles of stoicism he had imbibed. In short, his pleading is such, that one takes it rather for a difference in opinion upon some speculative point, than for a dispute at the bar. The best and the surest rule, therefore, that I can lay down, is by recommending the manner of that great orator. When you want handsomely to deny one good quality, grant your antagonist every other ; making an apology, that this is the only thing in which he is mistaken ; and adding, if possible, the cause why he is so ; by his being a little too obstinate, or credulous, or passionate, or imposed upon by others. All this is generally saved, if through the whole of the pleading there appears an even strain, not only of complaisance, but of kindness. Besides, we are to shew that we have good reasons for what we say ; and to urge it with modesty,

and as it were, because necessity obliges us. There is a different, but an easier manner, when we are obliged to justify the actions of men, who are either notoriously scandalous, or hated by ourselves. A man ought to do every man justice, be who he will, if he does what is right. Cicero, in the former part of his life, had a bitter enmity with Gabinus and Publius Vatinius, nay, he wrote orations against them, yet he pleaded for them afterwards. In this he justified himself and his clients, by saying their cause was such, that it did not require his abilities as an orator, but his services as an honest man. He had a more difficult task to manage in the trial of Cluentius, when he was under a necessity of proving Scamander to be guilty, though he had before pleaded his cause. But he did this with the finest grace imaginable, by pleading for his excuse the importunity of his friends, who had prevailed with him, and his own youth. Add to this, that he should still have been more to blame, had he, especially in a doubtful cause, acknowledged that he had been over-hasty in undertaking the defence of the impeached party.

We may happen to plead before a judge who has an interest, either on his own, or his friend's account to be against us. In this case, though it may be very difficult to bring him over, yet there is a very ready way of dealing with him. We are to pretend that we have so high an opinion of his justice, independent of every other consideration, that we have nothing to apprehend. We are then to flatter his vanity, and to convince him that his reputation and honor must be for ever established, the less he consults his own resentment, or interest, in the sentence he is about to pronounce. We are to proceed in the same manner, if we should happen to be sent back to the judge from whom we have appealed;

and we are to pretend some necessity we were under, if the cause will admit of it, or some mistake or some matter of suspicion. Upon the whole, we are to acknowledge our sorrow for what has happened; to offer all the satisfaction in our power; and to render the judge, as it were, ashamed to sacrifice us to his resentments.

It may happen sometimes, that a judge takes a second cognizance of the cause upon which he has already given a decree. We have a general apology in such cases; that we never would dispute his decree before any other judge, and that no man but himself can amend it. Besides, (as is often the case) some circumstances were then unknown, or the witnesses were absent; and if we are reduced to our last shift for an excuse, we are to say, but with a great show of unwillingness, that the advocates had not done their duty.

When other judges are assigned us, as often happens in the second hearing upon capital matter, or when we appeal from one court of the *Septemviri* to another, our best way is, if we can, to pay great compliments to the characters of the judges. But I have spoken more fully upon this matter under the head of PROOFS.

It sometimes happens that we accuse others of crimes of which we have been guilty ourselves; as *Tubero*, for instance, accused *Ligarius* for having been in Africa. Some who have been condemned for corrupt practices in elections, have, in order to recover their own reputation, accused others for being guilty of the same. And we have known in schools, a spendthrift son impeach a spendthrift father. I own, I do not find how this can be done with decency, unless by discovering some difference in the character, the age, the occasion, the cause, the place, or the intention. *Tubero* alledged that what he
did

did was when he was a young man ; that he followed his father, who had been sent by the senate, not to make war, but to buy up corn ; that the first opportunity he could find, he had left the party ; whereas Ligarius had persevered to the last ; and that in the contention for power between Pompey and Cæsar, a contention that did not threaten the destruction of the commonwealth, he was not satisfied with attaching himself to the former, but joined Juba and his Africans, those sworn enemies to the people of Rome. Besides, when we condemn a thing in ourselves, we can with a better grace attack it in another ; but the success of this depends not upon the pleader, but the judge. If we have no circumstance to plead in our favour, contrition is the only thing that can do us service ; and it will appear some proof of our amendment, if we turn our hatred against those who have erred in like manner with ourselves.

Cases may happen in which that may be done without any impropriety. For instance, a father may have a son by a whore, and he may want to disinherit that son for loving another whore so well as to be about to marry her. This is a matter handled in schools ; but it may happen in common life. Here the father may very speciously urge, that all parents earnestly wish their children to be more virtuous than themselves have been ; that even a common woman wishes to preserve the chastity of her daughter. Nay, he may go so far as to say, that his station in life, compared with that of his son, was mean ; that he had not a father to give him instruction ; that the son is the more blameable in what he is about to do, because it will revive the shame of his family with the reproach of his father's marriage, and his mother's former course of life, circumstances which his father cannot now bear to think of ; that the practice

practice being repeated, may become a precedent, which their descendants may think themselves obliged to follow. And he may further observe, that he cannot bear with the woman, because of some particular circumstances of infamy attending her. I omit other things he may urge. For I am not here laying down rules for a declamation, but shewing that it is possible for an orator to turn to his own advantage, circumstances that at first sight make against him.

Cases of defilement, ravishment, or defamation, require to be handled with more heat by the advocate, who must seem to be impressed with all the woes of his client; whom I do not suppose to speak, because all the language he could use must be groans, tears, and imprecations. So that the judge must rather understand, than hear, the expressions of his grief.

When a speaker is obliged to appear on the side of rigour and severity, he ought always to have a colourable excuse for it; as Cicero had when he spoke about the children of those who had been proscribed. For he represented it as the height of barbarity, that their descendants, men of the highest rank and quality by birth, should be precluded from all places of trust and power. But while this great, this mighty master of our passions, acknowledges this, he affirms, that Sylla's laws were then become so essential to the constitution, that it must be dissolved, if they were repealed. By this manner he made an apology even for those whom he was opposing.

While I was upon the subject of jokes, I shewed how mean all insults upon the unfortunate are, and how dangerous it is to attack, with petulance, whole orders, people, and nations. But sometimes we cannot discharge our duty, without some general reflections

reflections upon particular sets of men ; freed-men, for instance, soldiers, tax-gatherers, and the like. And through all such reflections we are still to observe an unwillingness to say what gives offence. Besides, we ought to confine them to the matter in hand ; and if we are severe in one point, to make amends by recommending another. If we observe in general, that soldiers are rapacious, we are to add, it is no wonder, because they think that the danger they undergo, and the blood they lose, entitle them to be well rewarded ; and we are to excuse their roughness and petulance, by observing that they are more accustomed to war than peace. When we want to invalidate the evidence of a freed-man, we are at liberty to make encomiums upon his industry, through which he obtained his freedom.

With regard to foreign nations, Cicero has treated them in different manners. While he attacks the credit of Greek witnesses, he acknowledges them to be ingenious and learned, and professes a love for their country. He treats the Sardians with contempt, and inveighs against the Allobrogæ as the enemies of Rome. And in all this, as matters stood in his age, there was nothing improper or indecent. An odious matter may likewise be softened by the moderate manner of expressing it. If a man is cruel, you are to call him too severe ; if unjust, that he was so through his thinking himself in the right ; if obstinate, that he was too tenacious of his opinion. And thus you seem willing to reclaim those you speak of, which has an excellent effect.

Nothing is becoming that is carried into excess ; nay, a thing that in its own nature is commendable, loses all its merit, unless it is confined within proper bounds. I am here speaking of a thing that depends not so much upon precepts, as upon a certain way of thinking which tells us when enough is said, and

when the speaker begins to be tiresome. But this ENOUGH can neither be weighed nor measured ; because in hearing, as in eating, some are sooner satiated than others. It may be proper here to add a short observation, that different properties of eloquence are preferred by different speakers, and often by the same. For Cicero, in one passage says, " that the perfection of speaking consists in speaking in a manner that seems easy to be imitated, but is not." — " In another passage he says, that the end of his study was not that he might speak so as that another person might think him easy to be imitated, but that he might speak so as never man spoke." These two passages appear contradictory to one another. but both are strictly just : all the difference lies in the manner which the cause requires. Because simple, easy, unaffected style is wonderfully taking in slight causes ; while those of more consequence demand a more majestic eloquence. Cicero excelled in both. They who know no better, think the first easily attained to, but they who do, know that neither is easy.

CHAP. II.

CONCERNING MEMORY, ARTIFICIAL AS WELL AS NATURAL.

SOME imagine the memory to be an endowment merely natural : and, no doubt, it is so in a great measure. But, like all other natural gifts, it is improved by cultivation, and all the rules I have hitherto been laying down, must go for nothing, unless the other accomplishments of an orator are enlivened and regulated by memory. For all art depends upon memory ; and it is in vain that we are taught, if every thing we hear leaks through our understanding.

It

It is the force of memory alone that furnishes us with a ready application of those examples, laws, answers, sayings, and actions, with which an orator ought to abound as with a treasure which he has always at command: For this reason the memory is properly called the treasury of eloquence.

But it is not enough for a pleader, who is often to speak in public, to have a tenacious memory, unless it is quick in its apprehension likewise, not only at mastering, at once or twice reading over, what you have once writ, but in being able to follow the connexion of those things and words which you have premeditated; as well as whatever has been said by the opposite party. And that, not wholly with a view of confuting them in order, but of disposing them to the best advantage for your own purpose. But after all, what is extemporary speaking but a vigorous exertion of this mental power? For when we are speaking of one thing, we are premeditating another that we are about to speak. This premeditation is carried forward to other objects, and whatever discoveries it makes, it deposits them in the memory, and thus the invention having placed it there, the memory becomes a kind of intermediate instrument that hands it to the expression.

I think it is needless for me to take up my reader's time, by shewing in what the memory consists; though it is generally thought that certain ideas are fixed in the mind, which answer to things in the same manner as the impression does to the seal. Neither will I tell my reader that I think memory is either weak or strong, according to the constitution of the body. But as to its relation with the mind, I admire its properties, in immediately recalling, and presenting us with objects and circumstances that have been long past, and buried for years; and this often spontaneously, and without our being at
any

any pains, not only while we are awake, but while we are in a deep sleep. Nay beasts, which are thought to be void of understanding, remember and know one another, and after travelling long journeys, they always remember to come back to their former habitations. Can any thing be more surprising that the freshest incidents often escape our memory, while it retains the oldest. We forgot what happened yesterday, but remember what happened when boys. Is it not wonderful that our memory will stumble by chance upon things that have eluded our most careful search, and that it is not always the same, but sometimes recovers itself by certain inherent powers.

Mankind, however, must have been ignorant of the extensive divine qualities of memory, if eloquence had not lighted up in all her powers. She arranges the order, not only of things, but of words. And this not for a sentence or two, but through the longest series of periods, continued in a connected discourse, or pleading, so that the patience of the hearer fails sooner than the memory of the speaker. As a proof that memory may be improved by art, and nature assisted by method, we need only to observe, that a man, by the help of learning and practice, can, when assisted by memory, do that which a man who is void of both cannot do. Yet Plato tells us that learning is an enemy to memory, meaning, that after we have committed a thing to writing, we are no longer anxious to remember it, and neglect it, because we have secured it. It is likewise certain that the earnest application of the mind, and the keeping in the eye of the understanding one single object, contributes greatly to the memory. This is the reason why the mind retains that which we have been writing over and over for several days, in order to get it by heart.

Simonides

Simonides is said to have first discovered the art of memory. And the story told of him upon this occasion is worthy of notice. He had bargained with a wrestler, who in the public games had carried away the prize for that exercise, to be paid a certain sum to compose such a poem as is common upon those occasions. But the wrestler refused to pay him for a part of his poem, in which, as is usual with poets, he had digressed, by running out into the praises of Castor and Pollux, telling him, that he must apply for payment of that part to those whom he had celebrated; and as the story goes, they paid him effectually. For, Simonides being invited to a grand entertainment, made in honour of the conqueror, a messenger came and told him, that two young men on horseback were at the door, and desired to speak with him. Upon his going down, he found nobody there, but the event convinced him that the gods had been grateful. For he had scarcely gone over the threshold, when the roof of the dining-room fell in, killed all the guests, and mangled them so, that when their relations came to bury them, the deceased were not to be distinguished, either their faces or their limbs. But Simonides recollecting the order in which each guest reposed at table, gave their several bodies to their several relations.

There is a great disagreement amongst authors, whether this poem was composed upon Glaucus Carystius, upon Leocratis, or Agatharcus, or Scopa; or whether the house in which this happened was at Pharsalia, as Simonides intimates in one passage, and as is affirmed by Appolloacrus, Eratosthenes, Euphorio, and Eurypylus of Larissa; or whether it did not happen at Cranon, as Apollas Callimachus says, in which he is followed by Cicero, who has rendered this story very celebrated. It is certain
Scopa,

Scopa, a noble Thessalonian, perished by this accident, and some say his nephew by his sister likewise, and they think that most of that name descended from him. For my own part, I look upon this whole story of Castor and Pollux to be fabulous, the poet himself does no where expressly mention the fact, and we cannot suppose he would have forgot an incident so glorious for himself.

Every man, however, is at liberty to believe or disbelieve it as he pleases. But it is certain, that Simonides is thought to have assisted his memory by recollecting the place where each guest lay. And, indeed, when we return to a place, after being absent from it some time, we not only know it again, but remember what we had done there, recollecting at the same time, the persons who were present, and sometimes the private thoughts that then passed within ourselves. This art, therefore, like most other, is built upon experiments: and they proceed upon it as follows. They chuse a very spacious spot, marked with vast variety of objects; for instance, a large house, which is divided into a great many apartments. Here they imprint deeply upon their mind whatever is most observable, so that their imagination can run over all the parts of it without halt or delay; for their first business is to avoid all stops; because those ideas ought to be most deeply imprinted upon the memory, which are to assist in preserving other ideas. They next mark the particulars, which they have written or digested in their thoughts, by another signal, which is to put them in mind of them. This signal may arise from the matter which they treat of, supposing it to be war, navigation, or the like. Or it may arise from some word, by recollecting which they can command circumstances, even though they have slipped out of the mind. For instance, if their subject is
navigation,

navigation, they may fix upon an anchor, if war, upon some part of armour.

Having settled this point, they are next to fix the signals, or objects, that are to correspond with their ideas: for example, they may, for the first part of their discourse, fix upon the outer gate; for the second, upon the court-yard; they may then proceed to the back-yard, the bed-chambers, the halls, way, the beds and furniture, annexing a certain idea to each in order. This being done, when they are to trust to their memory for delivering a discourse, whatever is the subject, they then begin to recollect the several places in their order, and as they present themselves, they furnish the idea which was annexed to them. Thus, let the particulars to be remembered be ever so numerous, they are connected in order by a certain chain so readily, that they follow regularly, if the person has only made himself completely master of his signals. What I have said of a house is applicable to public buildings, to a journey, or a walk round the city, to pictures and the like. We may even raise to ourselves ideal signals, which may answer our purpose.

Upon the whole, therefore, there is a necessity of having places, either real or imaginary, and images or signals which we may likewise form at pleasure. These signals mark the things which we want to retain in our memory, so that, as Cicero says, "Places may serve for paper, and ideas for letters." But that I may go on in his own excellent words, 'We must, in short, make use of local circumstances, which require to be various, clear, plain, and pretty nearly connected. But the ideas, which serve as the intermediate agents, must be exquisite and well-marked, and such as may present and strike the mind with the greatest quickness. I am, therefore, the more surprised how Metrodorus could find out
three

three hundred and sixty local places, or signals, in the twelve signs of the heavens, through which the sun passes. This, surely, was all vanity and boasting, and the boasting of a man, who ascribed the strength of his memory to his art rather than to his genius.

I am far from denying that some of those things may not assist the memory in some cases. For example, when we are to repeat the names of a great many things in the same order we heard them, we may connect things to the places which we have imprinted in our memory. To the outer-gate, for instance, we affix the word table, to the inner-court, the word bed, and so of all the rest. And then, when we come to review our places, we find the things we committed to them. Perhaps this method may likewise help those who, after an auction is over, can tell in order the names of all the goods that have been sold in it, and of the several buyers correspondent to the clerk's account. This, we are told, was done by Hortensius: but such artificial helps avail little in getting by heart a continued discourse. For there the ideas differ from the things, and it is impossible to make them correspond; nay, in endeavouring to do it, the memory being doubly burdened, runs into confusion.

But how is it possible for this art to enable us to observe the connection and disposition of words in a pleading? Besides, there are certain conjunctive particles, to which no objects or signals can correspond. I admit that we have, like writers in shorthand, certain marks that correspond with every thing. And such an infinite variety of fixed objects, that we can express the very words of Cicero's five pleadings in the second impeachment of Verres; by recalling the idea which we had affixed to each object. But must not this double business of the memory

memory perplex and confound our delivery? For how is it possible to go smoothly on, without interruption, in a continued discourse; if we are to have recourse to a certain object to furnish us with every word we speak? I shall therefore leave Charmadas and Metrodorus of Scepsis, whom I mentioned before, in possession of this art, though Cicero says they applied it with success; the rules I am to lay down shall be more plain and simple.

If we are to get a long discourse by heart, our best way is not to overburden our memory, but to get it by portions of a tolerable length. For if they are too short, our joining them together will breed confusion in the memory. As to the extent of each portion I cannot fix it; otherwise than by recommending, that it should finish a sense; unless it is subdivided into so many parts, that they must be taken separately. For we ought to have, as it were, resting places, for frequently recollecting the connection of words, which is the most difficult part of this business. And then this review will be sufficient to direct us in joining together the several portions.

It may, however, be of service to write upon the margin certain private marks, which may, as it were, refresh and guide the memory. For he must have a treacherous memory indeed, who is not able to recollect that he has made a mark, and that he had a meaning in so doing. In short, let him be ever so stupid, such marks will still serve as some assistance to his memory. For the same reason it will be of service, as I said before, to recall the ideas that escape us by certain signals to which they are affixed; for instance, an anchor, if we are to speak of a ship; and a spear, if of a battle. Such signals are of great service; it is, as it were, producing one memory out of another, in the same manner as when we tie fast a ring, or shift it from the finger were

we

we commonly wear it, we immediately recollect the reason why we did it.

But things may be better fixed upon our memory, if we connect them with some similar object. Thus, if we want to remember a name, Fabius, for instance, we surely never can forget the Delayer, so famous in history, or that we have a friend of the same name. This is still more easy in proper names derived from certain objects; such as a bear, a wolf, a nose, or the like. For then we have no more to do but to recollect the objects. It is likewise of great service for us to recollect the original of an appellation, Cicero, Verres, or Aurelius, for instance.

But nothing is so good a help to the memory, as to learn by heart a discourse from the paper in which you write it. For a person's memory will always be assisted by certain circumstances upon the very face of the paper itself. And we keep in mind not only pages, but lines, in the order we wrote them, so that while we repeat, we think we are reading. But if there should happen any erasement, interlineation, or alteration, they are certain signals so fresh in our memory, that they guide us to the very words.

There is a certain method pretty much of the same nature with artificial memory. But (if my experience does not deceive me) much more expeditious and effectual. And that is, to get a thing by heart to ourselves, as we do when we make use of artificial memory. But here an inconveniency will arise from certain ideas that may create a confusion and distraction in the mind, if it is quite unoccupied. Therefore, I think, the best way to prevent this, is to employ the voice while we are getting by heart, for then the exercise both of speaking and hearing will fix the mind, and consequently

quently the memory, by clearing it of all impertinent ideas. We ought not, however, to raise our voice too high, nay, scarcely above our breath. Some get by heart, while another reads. This manner has its disadvantages too, because the sense of seeing is much quicker than that of hearing. It has its advantages likewise, because the learner in hearing a thing once or twice over, has an opportunity of exercising his memory, so as to become almost as perfect as the reader. For it is of great importance for us to be making frequent essays with our memory. Whereas, when we do nothing but read, we pass over what we know the most and the least of with the same facility. But by making frequent trials our efforts are greater, and we lose no time, as we do when we repeat what we already know. But here we repeat only what we had forgot, and by doing it again and again, fix it upon our memory. Meanwhile, I know we remember a thing the better, for having once forgot it. He who learns to repeat as well as he who composes, ought to possess good health, free from all indigestion and wanderings of mind.

But next to practice, which is the most powerful assistant, a right division and arrangement are the most effectual means to make us remember what we write, and retain what we have studied. For he who divides properly can never mistake the order of things. Because there is a certain method, not only of dividing, but of treating subjects; in knowing what we are to say first, what second, and the whole hangs so regularly together, that nothing can be omitted, and nothing added without a perceptible violence done to the sense. Thus when Sævola had lost a game at back-gammon,* by making a false

* Orig. Scriptorum. It was very near the same with our game of back-gammon. Salmasius has a most curious dissertation upon this subject in his notes upon Vopiscus.

move, while he was going into the country, by calling to mind the whole order of the game, he discovered the move that had lost it; and coming back to the person with whom he had played, the latter acknowledged all he said to be true. Nor will order be of less assistance to us in an oration than it was to him in a game, especially since in an oration the order is of our own making. Whereas the order that directed Sævola depended upon chance, and he could only play in his turn. A composition, when rightly digested, leads the memory in its progress. For as it is more easy to get verse than prose by heart, so it is more easy to get by heart prose that is regularly digested, than when it is loose and unconnected. Through regularity we are enabled punctually to repeat, without losing a word, a discourse that seems to have been pronounced extempore. Nay, my memory, indifferent as it was, was always able to repeat over again the same words of a declamation, if at any time it was interrupted by the coming in of any person of distinction, to whom I was obliged to pay my compliments. That I speak nothing but the truth, can be witnessed by many living evidences.

Were I, however, to be asked what is the great and sovereign assistant of the memory, I would answer, practice and application, great study, and if possible, daily meditation, can do more than any thing else. Nothing is more improveable by care; nothing is so apt to be spoiled through carelessness. For this reason, as I have already observed, boys should be taught, as soon as possible, to get a variety of things by heart. And whoever, at any time of life, shall studiously endeavour to improve his memory, he must get the better of that exercise which at first is so tiresome and laborious, I mean that of conning it over and over, and as it were, chewing

chewing the same meat again. But even this toil becomes more tolerable, if we begin by getting by heart only a few things, and those not tiresome in their nature. Then let us every day add a line or two to the number of those we had got by heart the day before. And thus the toil encreasing gradually, but imperceptibly, we shall, at last, be able to master the longest discourses. Let us, however, first begin with the poets, then proceed to the orators, and last of all go to loose compositions, or such as are most distant from the common practice of speaking, such as the language of the common law. For the more laborious our exercises are, the nearer we are in succeeding to what we propose by them. Thus, wrestlers and boxers accustom themselves to carry leaden weights in their hands, though, when they fight, they make use only of their bare fists.

Here I must observe, daily experience teaches us, that when a man is slow of apprehension, his mind is the less tenacious of the last ideas imprinted upon it. It is strange, and scarcely to be accounted for, how much the intervention of a night confirms those ideas; whether it is that the mind thereby gets a little rest and is relieved from the fatigue of immediate attention, which weakens the memory, and becomes thereby more mature and confirmed, or whether recollection is not her capital property. It is, however, certain that such a man will next day have a lively idea of that which he forgets almost as soon as it is told him: and that time, which is usually the cause of forgetfulness, frequently invigorates the memory.

On the contrary, a man of very quick apprehension may be apt soon to forget; and his mind having performed its immediate business, reserves little for what is to come, and, as it were, unbends her powers. For this reason, in a mind whose powers are

not so quickly susceptible of ideas, the impressions remain the longest.

From this diversity of capacities amongst mankind, a doubt has arisen, whether a man who is to pronounce a discourse, ought to get by heart every word of it, and whether it is not sufficient for him to make himself master of the principal heads, in the order in which they ought to stand. But to decide this, no universal rule can be laid down, for if my memory will serve me, and if I am not straitened in point of time, I should be unwilling to lose a single syllable of what I have wrote, otherwise it would be needless for me to write at all. It therefore ought to be our chief business, from our childhood, to bring our memory by practice to such a habit, as not to pardon ourselves for the least omission. It is, therefore, a wrong custom to make use of prompters, or to be always consulting our papers, for such conveniences give us a habit of negligence, and every one will think himself sufficiently perfect if he is not afraid of losing any thing. They likewise break the force of action, and create starts and inequalities in the delivery; for a man who always speaks as if he was getting by heart what he says loses every grace of correct composition, because he pronounces it in such a manner as shews that it has been composed before hand.

Another advantage of a ready memory is, that it does honour to the quickness of a genius, because the public thinks, that what we say has not been premeditated, but is spoken off hand; and this is of vast service both to the orator and his cause. For the one is more admired, and the other less suspected, because a judge does not think that any thing has been previously concerted to mislead him. Nay, it is one of the greatest excellencies in pleading, when an orator, after bestowing the greatest pains

pains in connecting and arranging what he says, delivers it in an unstudied manner; and when he seems, though ever so well prepared to study, as it were, to be diffident of what he is saying. Upon the whole, therefore, there can be no doubt, that our best way is to get exactly by heart, what we are to deliver.

But if a speaker's memory is naturally treacherous, or if he has too little time for study, it will do him disservice to attempt to get every word by heart; because forgetting a single word will occasion in him a very disagreeable stammering, or oblige him to be quite silent. It is therefore much safer for such a one to make himself master of the subject, by digesting it in his mind, and to deliver it in the best manner he can. For a man who has once got a favourite expression which he has written down by heart, is very unwilling to lose it, and while he is searching after it, it is difficult for him to substitute in its place another equally good. But even premeditation does no great service to a weak memory, unless the orator has accustomed himself to speak extempore. But if his memory is weak, and if he has not been accustomed to speak extempore, and, if at the same time he is a man of some letters, my advice to him is, to throw up the business of the bar, and entirely apply himself to writing. But we seldom meet with a man so signally unfortunate.

To conclude: Themistocles is an instance what prodigious things memory can do, when seconded by natural and acquired talents; for he, in one year, learned to speak with propriety the Persian language. Mithridates knew the several languages of all the two and twenty nations he governed. Crassus the rich, when he commanded in Asia, was so much master of the five dialects of the Greek tongue, that he gave sentence in the very language in which

which each cause was brought before him ; and we are credibly informed that Cyrus knew the name of every soldier in his army. Theodectes, we are told, was able to repeat a vast number of verses, after once hearing them. I have heard of some in our days who could do the same ; but it was never my chance to hear them. We ought, however, to believe it, were it for no other reason, than that thereby we may be encouraged to aim at the same excellency.

CHAP. III.

CONCERNING THE BEST MANNER OF DELIVERING A PLEADING, OR DISCOURSE.

THIS is sometimes called pronunciation, and sometimes action. The former term seems applicable to the voice, the latter to the person. For Cicero sometimes says that action is a discourse, and sometimes that it is a certain eloquence of the body. He assigns to it two parts (the same as to pronunciation), voice and motion. We may therefore use both terms indifferently. Its properties give wonderful force and efficacy to all pleadings. To premeditate a set of sentiments and words, is of less consequence than the manner of their being delivered, because they make an impression upon the hearer, in proportion as he understands them. For this reason, when an orator lays down, even a proof, be it ever so strong, it may lose of its weight, unless it is supported by a firm, positive pronunciation. All the passions about us must languish, unless they are kept alive by the glow of voice, look, and action. For, almost every part of an orator ought to speak. Even in that case, happy are we,
if

if the judge is warmed by our heat ; how then can we suppose he ever can be touched with a lifeless, spiritless manner ; or that he will not nod, when we begin to yawn ?

To prove of what great service action is, I need but appeal to the success of good players, who give such graces to the best dramatic performances, that we see them with a pleasure double to that with which we read them. Nay, the most wretched performances, under their management, command attention ; and we see, upon the theatre, plays which we would not admit into our library. If then subjects, which we know to be purely fictitious, acquire such power by action, that they make us resent, fear, and weep, how much power must action have when employed on subjects which we know to be real ? For my own part, I will venture to say, that even an indifferent pleading, when enforced by the powers of action, will have more success than the very best composition, if destitute of that recommendation. It is well known that Demosthenes, being asked what is the first, second, and third property of a pleader, answered to all, action. By which they who asked him plainly saw, that he did not consider it as the chief, but the only property of pleading. For this reason, he himself studied action long and intensely under Andronicus, the player ; so that when the Rhodians were admiring his pleading for Ctesiphon, What would you have said (answered Æschines, who had read it to them) if you had heard him deliver it ?

Cicero too says, that action is decisive in eloquence. He tells us, that Lentulus was more famous for that than for his eloquence ; and that by the force of action, Caius Gracchus, when he mentioned his brother's death, drew tears from all the people of Rome. He celebrates likewise the vast success of
Antony

Antony and Crassus, and above all of Quintus Hor-tensius, through the force of their action. I am inclined to believe this of the latter, the rather, because his compositions do not at all answer the reputation of a man who was long at the head of eloquence at Rome; for some time was the rival of Cicero, and was never accounted to be inferior to any but him. From this circumstance, I say, we must think a great deal of his merit lay in his action, because we cannot find it in his works. Now, it being undoubted that there is much force in well-chosen expressions, that the voice gives great energy, and that air and action have vast powers, what finished excellency must all these united produce?

Some, however, think that the artless manner and the natural impetuosity of a speaker is stronger, and the only action that is worthy of a man. But they who are of that opinion, are generally such as condemn all correctness, art, brilliancy, or care in what we say, as being affected and unnatural; or else they are such as affect a broadness and rusticity of expression, as Cicero tells us Lucius Cotta did, in imitation of antiquity. But I leave all those opinions to those who think that nature is sufficient to form an orator. They must, however, give me leave to think that nothing can be perfect, but where nature is assisted by art; I shall therefore proceed in my own way, after candidly acknowledging that nature is far more effectual than art in forming an orator.

For the man whose memory does not serve him to retain what he writes, or who has no extemporary powers of speaking when he is called upon, never can speak properly. I say the same of those who have incurable defects of voice, or a personal ungracefulness and awkwardness, which no art can amend. (Even the voice requires to be sweet as well

as strong in a finished orator. When it is both, we command it as we please, but we are under great disadvantages when it is harsh and weak, for we cannot then give it emphasis and exertion ; we are forced to speak in a humble or a squeaking tone, and to relieve our hoarse throat and fatigued lungs, by sinking into downright whining.) But I suppose the orator I am now forming, to have no natural defect, which can render my rules useless to him.

Now all action, as I have already observed, consists of two things, voice and gesture } the first of which affects the ears, and the latter the eyes ; the two senses through which the mind receives all her emotions. I shall first speak of the voice, and the rather, because all action ought to be accommodated to the gesture. First then, you are to consider what kind of voice you have ; and next, how you are to manage it. Now the nature of a voice is known by quantity and quality : as to the first, it is enough to say, it is either strong or weak. But between those two extremes, there are many intermediate degrees from the highest to the lowest, and from the lowest to the highest. Quality is more various. For a voice may be clear or hoarse, full or slender, smooth or sharp, stammering or flowing, hard or flexible, shrill or austere. The breath too may be longer or shorter.

It is foreign to my present purpose for me to shew the reasons of all this ; whether it lies in the difference of the organs which receive the air that forms the voice, or in the tubes through which it passes ; or whether it lies in the peculiarity of its own nature, or in the motion it receives ; or whether the difference is not greatly occasioned by the strength or weakness of the lungs and head ; for all these have a share in forming the voice ; nay, the construction of the nostrils, through which part of the voice passes,

as

as well as the mouth, renders it sweeter or harsher. Upon the whole, however, a voice ought to be tunable, and not peevish.

The voice is managed in a great many different ways; for besides the threefold division of sharp, grave, and mixt, we make use of strong and slow, swift and gentle notes, and long or quick measures. But of these there are a great number of intermediate degrees and differences. As faces, though consisting but of a few parts, have infinite differences between one another; so the voice, though it has but few specific properties, is different in every man; and this difference is as sensible to the ear, as the difference of faces is to the eye. (The good qualities of a voice; like all other natural properties, are greatly improved by care, and injured by neglect. But an orator's care of his voice ought to be different from that of a music-master, though many circumstances in both are alike, such as strength of body to keep our voice from dwindling into the squeaking of an eunuch, a woman, or a sick person; walking, bathing, temperance and abstinence both in eating and drinking, are of great service to every voice. Besides, our windpipe ought to be whole, sound and clear, because any blemish in that renders the voice broken, harsh, sharp, and shrill. For as a flute, with the same degree of wind, when the stops are shut or open, foul or shaken, has different sounds, so the windpipe, if inflamed, strangles; if foul, stifles; if rough, cuts, if crooked, breaks the voice; as a flaw in a pipe does the sound of an organ. The voice is cracked likewise when it meets with any obstruction, as we see a small stream of water, when it meets a stone, interrupted in its course and makes a small division, till it re-unites after it passes the obstruction. Too much moisture in the mouth, or too much dryness, are equally prejudicial to the voice.

voice. The first renders it stuttering, and the latter puling. (All over-fatigue hurts the voice, because it disorders the body, even after it is over.)

But though the voice of an orator, as well as of a music-master, like every thing else, is improved by practice, yet they are not tied down to the same regimen. For an orator, with a deal of business upon his hands, cannot afford set times for walking and breathing himself, nor for tuning his voice from the lowest to the highest pitch; he has no such leisure hours, nor is he at liberty to set aside the causes he must plead at the bar. Neither ought their diet to be the same. The food that renders a voice soft and effeminate, will not make it strong and durable. Music-masters tune their instruments by their voices, even to the highest note. But orators are obliged to speak often with violence and spirit; we must watch whole nights, we must imbibe the steams of the lamp by which we study, and often have not leisure to shift our cloaths, though they are drenched in our own sweat. (Let us not therefore pamper ourselves so as to contract an effeminacy of voice, or a habit which we shall be obliged to shake off. Let us exercise it in the proper manner; let it not wear low through disuse, but improve by practice; and then we shall be able to master every difficulty.)

✓ The best method I can recommend for this purpose is, to get by heart certain passages which contain great variety, and require vast exertion in disputing, talking and softening; for when a man speaks extempore, he should never be at a loss for the proper tone of voice with which he is to begin and proceed; but be ready to speak in any note. This is the more necessary, because when the voice is always kept neat and delicate, it cannot exert itself, but in the manner it is used to; as we see wrestlers, whose

tulus was famous for accenting his letters sweetly and harmoniously.

In the next place, what we speak ought to be well marked; by which I mean that the speaker should begin and end precisely where he ought, and observe exactly all the stops and points, by which the sense is either to be suspended or finished. For example, arms, and the man I sing, here the voice is to suspend the sense, because the man is to be connected with what comes after; who forced by fate, here another suspense follows; nor are we to finish the sense till the hero, as in the third line of the original, is landed upon the Latin shore, and then a new matter succeeds. But even at full stops we are to breathe a longer or a shorter time, according to the sense. For there is a great difference between finishing a sentiment or a sentence, and finishing a topic. Thus in the passage before me, I do not stop so long when I land Æneas on the Latin shore, as I do when I make him the founder of the Latin race, and the lofty towers of Rome. Here I recover my voice, I pause a little, and proceed, as it were, to another subject.

Sometimes it is proper to stop without drawing breath, as for example, "But in a full assembly of the Roman people, vested with a public character, the general of the horse," and so forth, to the end of the period, which consists of many members. Now each member contains a sense which requires a small pause, but we are not to take a full breath, till we finish the sweep of the whole period. On the contrary, we are sometimes to draw our breath, but without being perceived, and, as it were by stealth, for if we do not use great management in concealing it, we may create as much confusion as if we observed a wrong stop. The observation of stops, however inconsiderable it may appear, is indispensable

dispensable in an orator; for without it all other beauties must be lost.

A pronunciation is ornamented when it is supported by an easy, full, happy, harmonious, deep, clear, and well-toned voice, which, after cutting the air, leaves an impression upon the ear. For some voices are fitted for the ear, not by their strength, but by their harmony, and, as it were, their smoothness. They are, if I may say so, self-instinct with sound; they speak in every tone, and, like a well-tuned instrument, they can rise and fall to any note. To such a voice no property is wanting, if attended with strong lungs, freedom, and length of wind, with perseverance, under the most vigorous exertion. A very heavy or a very shrill tone of voice may do for singing, but neither can for speaking. For the former being very full, but not very distinct, never can make any impression upon the mind, while the latter being too sharp, and excessively clear, is both unnatural and untractable; because it does not ply to the pronunciation, nor can it be exerted for any considerable time; for a voice is like a stringed instrument, the more lax the strings are, the more grave and full is the sound of the instrument, and the more they are wound up, the sound is the more sharp and shrill. Thus the former wants force, the latter is in danger of being cracked. We ought therefore to make use of middling notes, which may be heightened, when we want to exert ourselves, and lowered, when we intend to speak gently.

Above all things we ought to consult the smoothness of pronunciation, because it must halt and hobble, if its measures and tones are unequal by mixing the long with the short, the grave with the sharp, and the high with the low. By this jumble, I say, of ill-paired feet, our delivery becomes lame and crippled. In the next place, we are to observe variety,

and next to that

variety, and, in effect, pronunciation consists in that. The reader, however, is not to imagine that smoothness and variety in speaking are incompatible, for the one is opposed to roughness, and the other to a tiresome monotony.

The art of varying our pronunciation, not only gives a gracefulness and refreshes the ear, but relieves the speaker himself, by the change of his manner: as we love to stand, walk, sit, or lie by turns, and our continuing too long in one posture would be intolerably tiresome. The great art, however (I shall speak more fully of it hereafter), is to conduct our voice so as that it may answer the subject we speak of, and be suitable to the sentiments we want to raise in the hearers, and always adapted to our meaning. We ought, therefore, by all means, to avoid a monotony, which consists in a sameness of measure and tone. We are not to be perpetually bawling like madmen; nor to observe the lifeless, spiritless tone of conversation, nor to whisper, nor mutter, for that weakens all the powers of speaking; but to pronounce so as that the same subjects and the same sentiments may be marked by a moderate alteration of the voice, according to the dignity of our expressions, the nature of our sentiments, the beginnings or endings of our periods, or our transitions from one thing to another. Thus painters lay on different degrees of the same colour, some more lively, others more mild; without which it is impossible for them to give the proper expression to their pieces.

Let me illustrate this by the example of that noble beginning of Cicero's pleading for Milo, where, almost at every stop of the same period and sense, we see him, as it were, altering his tone and changing his look: "Though, my lords, I am apprehensive, that, when I enter upon the defence of a brave man,

it may be thought mean to betray any symptoms of cowardice, or to be unable to support my pleading with a dignity of courage, equal to that of Titus Annius Milo, who is less concerned about his own fate, than that of his country; yet am I dismayed with this unusual pomp of justice, this unprecedented array of terror: my eyes, in vain, on all sides, search for the venerable forms and antient appearances of the forum; your bench is environed with attendants, and the bar with guards, hitherto unknown at a Roman trial."

Here the outset, as all outsets (especially in such a case as this) ought to be, is full of modesty and diffidence. But he soon recovers himself, when he comes to speak of Milo, by saying, "he is less concerned about his own fate, than that of his country." He then, though in the same period, alters his tone into reproach, by mentioning, "the unusual pomp of justice, and the unprecedented array of terror." Immediately after, as if he had quite recovered his spirits, "My eyes, says he, in vain, on all sides search for the venerable forms and antient appearances of the forum." Then what follows is free and diffused, "Your bench is environed with attendants, and the bar with guards, hitherto unknown at a Roman trial." This I have brought as an instance, that not only sentences, but syllables, ought to be differently articulated; otherwise every sentence will have the same effect.

The voice, however, ought not to be overstrained. For then it is apt, as it were, to suffocate itself, and to lose its clearness by too violent an exertion. Sometimes it degenerates into a squeaking or a cackling. Neither ought we to confound what we say, by too great a volubility of tongue, which destroys all stops, stifles all sentiment, and sometimes curtails words of whole syllables. The fault opposite

site to this, is that of speaking too slow } for that discovers a want of invention, and makes the hearer yawn ; and the time allotted us is often elapsed before we have gone half through, when we are obliged to speak by the hour-glass.

Our delivery ought to be quick without precipitation, and gentle without dulness. As to recovering our breath, it should not be so frequent as to break or interrupt a sentiment, nor ought we to delay it so long as to endanger its failing us. The last gives us a very disagreeable manner, by making us puff and pant, like a man who is just emerged, after being under water ; it is long before we recover ourselves ; we have no command of wind, and we make stops, not when we please, but when we are forced. A man, therefore, when he has a long period to deliver, ought to manage his wind, but without any tedious, noisy, preparation, so as to be discovered. In other parts of his pleading, he will have frequent proper opportunities of recovering his breath at the joining of his sentences.

We ought, however, to get as great a command of wind as possible. For this purpose, we are told that Demosthenes, walking up a hill, repeated as many verses as he could at one breath. He likewise used to put little stones into his mouth, where he worked them about while he was speaking, that he might thereby pronounce his words with the greater ease and freedom.

The respiration is sometimes sufficiently long, full and clear, but weak and tremulous, when it comes to be exerted, like bodies that to all appearance are sound and in good health, but can scarce support themselves on their legs, through the weakness of their nerves. Others have a very disagreeable way of hissing and whistling through the loss of teeth. While others pant and puff, and blow inwardly, but

so as to be plainly heard, like cattle labouring hard in a team. And some even affect this manner, as if they had such a redundancy of matter within themselves, that they are unable to give it vent, and that it was too unweildy for the organs of their speech.

Others have a sort of convulsions in their mouth, and struggle with their words, which seem to choak them. Sometimes they fall a coughing and sputtering, bringing up large quantities of defluxion, bedewing all about them with the moisture of their mouth, and making the greatest use of their respiration through their nose, which makes them rather snuffle their words than speak them. All these are not, indeed, faults of the pronunciation, but as they are occasioned by speaking chiefly, I thought proper to mention them here.

Yet those blemishes, bad as they are, are, I think, less intolerable than the fashion that now prevails in schools and courts of justice, I mean that of singing a pleading, a practice equally absurd and indecent. For what is more inconsistent with the character of an orator, than to speak as if he was tuning his voice for the stage; and sometimes as if he was singing a catch at a merry meeting? What can be more the reverse of moving the passions, than that, when we feel pain, resentment, indignation, or compassion, we should not only abandon all those affections, while we ought to raise them in the judge, but even pollute the sanctity of the forum, by that low ribbald manner, which Cicero says, came from the most despicable nations, and began to infect the bar, even in his time.

But, in our days, we do not confine ourselves to the more decent part of singing, but run into excess. When an orator is pleading, I will not say upon a case of murder, sacrilege or parricide, but

even upon a matter of petty interest or common accounts, is he to be borne with, if, in such a case, he should plead to a tune? If this practice is allowable, I see no reason, why the modulation of our voice may not be set to flutes and fiddles, nay, by heavens, to cymbals, the instrument that best suits such abomination. Yet we are charmed with this practice, for every man loves to hear himself sing, and it requires less pains to chant a pleading, than to speak it with propriety. Add to this, that some hearers in this, as in every thing else, have so depraved a taste, that they love to have their ears soothed and tickled by a tune. What, say they, does not Cicero tell us, "that in all pleading, there is darkened music?" He does so, but it happens through a natural defect. I shall by and by shew, where, and how far, we may admit of this tone, this darkened music, as he calls it; though they do not chuse to understand that epithet. But I now proceed to consider the propriety of action.

This undoubtedly consists in adopting every thing we say to our subject. And this is chiefly effected by following the emotions of the mind, which communicates her own affections to the voice. But some affections are real, others are false and fictitious. The real ones, however, naturally burst out through the force of grief, anger, or indignation; but they are all of them artless, and therefore not subject to any rules; but fictitious or imitative affections are. And the first rule here is, to be strongly impressed yourself with sentiments and ideas, and to realize them as much as you can. Thus, your voice will be an organ to convey them to the judges, till they are influenced with the same passions which you seem to feel within yourself. For the voice is, as it were, the hand that points out

out the passions of the mind, and is affected by all her disorders and changes.

As a proof of this, when we are all joy, the voice is full, plain, and chearful; while we dispute, it is fierce and loud, and braced, as it were, with all its powers. Anger renders it dreadful, shrill, and thick, and quickens all the respiration. For it is impossible for a man's wind to continue long when he is at such expence of it every instant. When we want to stir up hatred or envy, the voice is somewhat more gentle, because they are generally employed by inferiors, or those who have the worst of a cause; but when we soothe, acknowledge, apologize, and intreat, the voice is then soft and submissive. In matters of persuading, advising, promising, and comforting, it is grave. Where there is a check of fear and modesty it is faltering. In encouraging it is vigorous; in disputing firm; in commiserating humble and mournful; and then it even purposely disguises some of its powers. In excursions it is flowing and negligently clear. In explaining and discoursing it is plain, and equally partakes of the grave and the acute. Upon the whole, therefore, it rises and sinks with our passions, and always in proportion to the nature of the thing which affects them. I shall hereafter explain how we are to suit our manner to the place where we speak; but I must first touch upon gesture, which, as well as the voice, is influenced and directed by the mind.

(The great consequence of a proper gesture in a speaker appears from this, that it generally has more meaning than the voice itself. For, not only our hand, but our very nod is expressive of our sentiments:) nay, mutes themselves converse by their gestures. A common salute, even before the party speaks a single word, gives an intimation of his disposition, and we know by the face and the walk, the workings

workings of the mind. Nay, even brute beasts, who are void of speech, express anger, joy, and love, in their eyes, and by certain movements of their bodies. It is easy to be accounted for, why such silent intimations, especially as they are attended by a degree of emotion, should make such an impression upon the mind, when we consider, that painting, though motionless as well as silent, sometimes affects us so deeply, that it is even more powerful than words.

On the other hand, where our gesture and words differ, when we talk in a merry mood of melancholy things, when we consent with a forbidding air, what we say is not only disregarded but disbelieved. (True grace in speaking is the result of gesture and movement. For this reason the great Demosthenes, the better to form his action, used to plead before a large mirror.) For though mirrors perhaps do not always reflect the truest images, yet he was resolved to judge, as well as he could, from what he saw himself.

The head, which is the principal part of the body, is the principal object in action; and its position when easy and natural, contributes in the greatest measure to that gracefulness I am recommending. For, when it droops, it gives a speaker an air of meanness; when bolt upright of arrogance; when lolling of negligence; and when stiff and motionless of rusticity, nay, barbarity. It ought likewise to conform its motions to the pronunciation, to agree with the gesture, and fall in with every action of the hand and body. The look too, ought always to have the same direction as the gesture, excepting when we want to express abhorrence, dislike, and aversion, which we do, by making the eyes and the hands to have a counter action; for example, in speaking the following line;

Ye

Ye gods, that dreadful pestilence avert —
or with less emotion, as in the following line ;

Indeed, that honour is too much for me. VIRGIL.

A nod, or simple movement of the head, is sufficient intimation in many cases ; for it may be made expressive of approbation, dislike, and confirmation ; nay, of modesty, doubt, admiration, and indignation ; and such silent expressions are in common to all mankind. They, however, who understand theatrical action, think it is wrong to employ no other gestures than that of the head. And indeed it must be owned, that too frequent a use of nods ought to be avoided. But to toss the head violently about, and to make its hairs go round like a wheel, discovers mere madness and fanaticism.

(The greatest expression however lies in the features.) By them we supplicate ; by them we sooth ; by them we mourn ; by them we rejoice ; by them we triumph, and by them we despair. The eyes of every hearer hang upon the features, consult and examine them even before we speak a word. From them we conceive an aversion for one man, and love for another ; and from them we understand so much, that the meaning is often understood without speaking. Therefore, upon the stage, players wear masks, which are formed to express the characters they act. In tragedy, that of Niobe, for instance, expresses grief ; that of Medea terror ; that of Ajax astonishment ; that of Hercules rage. In comedies, besides other distinctions, slaves, pimps, parasites, clowns, soldiers, old women, young whores, serving maids, old men, whether crabbed or gentle ; young men, whether virtuous or rakish ; matrons and girls, wear their several characters upon their masks : even the capital part of the father, who is sometimes

sometimes peevish, and sometimes good-humoured, is fitted with a mask, in which one eye is staring, and the other mild. And this management is extremely well kept up on our stage, where there is always a conformity between the mask * and the character.

But the eye is chiefly concerned in giving to the features their several characters. Through them the soul is discerned, and they are expressive, even without motion, both of joy and grief, by a brisk or cloudy look ; nay, tears themselves are but ambiguous indications of the mind, for they flow through joy, as well as burst out from grief. We need however, but to move the eyes, and we shall express spirit, carelessness, pride, sternness, mildness or anger, according to the characters we are to assume. Sometimes too we may have occasion to render them fixed and distended, languid and listless ; or expressive of wonder, wantonness, and inconstancy ; sometimes swimming, as it were, in pleasure, lascivious and amorous ; sometimes full of wishes, sometimes of promises. But an orator must be very stupid and dull indeed, if he must be cautioned never to keep them either always shut, or always staring, while he is speaking.

But in all those expressions, the eyelids, and the muscles of the cheeks must be properly subservient to the eyes ; and the right management of the eyebrows too is of great significancy, because in some measure they form the look, and influence the whole forehead ; by contracting, raising, or lowering it, so that upon the whole they have very great force in action. As to the blood, which is put in motion by the sentiments of the mind, and mantles over

* The whole of this passage about masks, must, as I have already observed in these notes, appear very ridiculous to an English reader, and gives us no high idea of the Roman stage.

the bashful, modest features, it settles into a blush under dread and fear ; it disappears, vanishes, and cools into paleness ; and when it is properly tempered, it produces a beautiful serenity. The eyebrows are wrong disposed, if they have either too much motion, or none at all, or, if as I observed just now of the mask, they start into an inequality, or if they seem to contradict what we are saying. When contracted they are expressive of anger ; when cast down of sorrow ; when open of joy. There is likewise a way of making them rise and fall so as to express assent or dissent. The action of the nose and the lips can seldom be gracefully employed ; all it serves for is to mark derision, contempt, or disdain. For to shrivel up the nose (which is an expression of Horace), to distend it, to work it about, to be always picking it, or snorting, or snuffling, or stroaking it up and down with your hand, have a very bad effect, nay, we ought to avoid as much as possible the blowing it too often. It is ungraceful to thrust out the lips or to suck them ; to grin, to gape, to pout, to show the teeth, to screw the mouth up to one ear, to shut it with disdain and despite, and to speak only out of one part of it. It is likewise indecent to be always licking and biting the lips ; nay, we ought to give them as little motion as we can, even while we are speaking.

(The neck ought not to be awry, but straight, though not stiff. It is equally ungraceful, either when it is extended or sunk too much.) The former is generally attended with a painful, squeaking, weak pronunciation, and when the chin sinks upon the breast the voice is less distinct, and is too broad by being squeezed, as it were, through the narrowness of the throat. We ought seldom to shrug or contract the shoulders ; for that shortens the neck,

and gives the speaker a mean, servile, and designing air; and indeed it is never done, but in cases of adulation, admiration, or fear.

A proper extension of the arm, while the shoulders are in an easy posture, with the hand open as it is stretched forth, is extremely graceful, when what we speak requires to be flowing or rapid.) But when we are to express somewhat that is more gay, and more delightful, as rocks and deserts are respondent to the voice; then the whole person is to be thrown out, and the freedom of the gesture is to rise with that of the style.

As to the hands, all action without them must be weak and crippled. Their expressions are almost as various as those of language, and therefore it is impossible to recount how many motions they ought to have. For other parts of the body assist the speaker, but these, if I may so say, speak themselves. Do they not demand, promise, call, dismiss, threaten, implore, detest, fear, question, and deny? Do we not, by the hands, express joy, sorrow, doubt, acknowledgment, repentance, moderation, abundance, number, and time? Do they not rouse up, remonstrate, prohibit, prove, admire and abash? In describing things and persons, do they not, as it were, supply the place of adverb and pronouns? Nay, all people, all nations, and all mankind, however different their tongues may be, speak and understand the language of the hand?

Now, as I observed of other gestures, those of the hand ought chiefly to be directed by the words; but some natural gestures serve for imitation only: for instance, by feeling our pulse, we express a sick man; by shaking our fingers, as if we were playing on an instrument, we express a musician. All this manner is to be carefully avoided in pleading. There
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ought to be a wide difference between an orator and a mimic ; for an orator's gesture should be adapted more to his sentiments than his words ; and even actors of reputation follow that manner. I am not against an orator pointing with his hand to himself, or to another, while he is speaking of himself, or another ; with several other freedoms of that kind. Yet we are not to tell whole stories with our hands, or make our fingers accompany all we say.

This rule ought to take place in all our gestures and expressions, as well as in those of the hands ; for were an orator to speak the following period, " Upon the shore stood the Roman prætor, dressed in rich buskins, a purple cloak thrown across his shoulders above, a flowing robe that swept the ground, leaning on, and toying with an ordinary little wench."—he is not, I say, to throw himself into a lolling, indolent attitude, as if he was leaning upon the little whore. Or were he to speak of the Roman citizen, whom Verres ordered to be whipped at Messana, he is not to wriggle, to shrink, and to shriek, as if he actually felt the smart of the lash. For this reason, I cannot endure those players, who though they are acting a youthful character, yet having occasion to mention what was said by an old man, as in the prologue to the *Water Pitcher*,* or of a woman, as happens in the *Husbandman*, affect, in the former, a tremulous, and, in the latter, an effeminate pronunciation. Thus even they whose whole business it is to imitate, may be led into a false taste of imitation.

The most common gesture of the hand that I know, is when the thumb and middle finger are joined, and the other three fingers extended. This

* These were two comedies of Menander, translated into Latin. Our author here seems to be rather more severe than Cicero on this occasion. See de Oratore, l. 2. c. 59.

gesture is very proper when we enter upon a pleading, and attend it with a genteel sway of the body to both sides, while our head and attitude of the shoulders seem to second the expression of the hand. In narratives, this gesture may be managed so as to become positive and affirmative; and in reproaching and reasoning, spirited and eager. For, in such cases, it is exerted with more boldness and freedom. But this gesture becomes improper when it is applied towards the left shoulder, or points to one side; and it is still worse in those who advance their arm across their mouth, and seem to speak from their elbow.

When we hold under the thumb, the two fingers that are next to it, the gesture becomes more earnest, and is improper for an introduction or a narrative; but when we double three fingers under our thumb, then the fore finger,* of which Cicero says, Crassus made an admirable use, is employed in demonstration. For it has its name from its being made use of to point out, and it is very expressive both in that, or in any reproachful passage; and when it is raised towards the shoulder and drops a little, it then affirms. When it is pointed straight, and with some violence to the ground, it expresses earnestness, or sometimes an emphatical number. And, by holding the uppermost joint of the fore finger of one hand, between the thumb and the fore finger of the other †, with three fingers inclining gradually towards the palm, it signifies argumentation.

/ When I figure to myself the attitude of Demos-

* Index.

† See the print of Raphael's School of Athens, where Socrates is in the very attitude here described. But as the original is both trifling and uncertain in what follows, I have, with M. Rollin, omitted part of it.

thenes,

thenes, in his modest, bashful outset of his pleading for Ctesiphon, I imagine his thumb and his three first fingers to be gently contracted, and his hand slowly swaying from his breast to his middle; and as he proceeds, his action becomes more quick, and his hands more expanded. / In the same attitude I conceive Cicero to have spoken, when he introduced his pleading for Archias in the following graceful manner; "If, my lords, I have any capacity, which I am conscious is but slender."

The moving the thumb and the fore finger, when joined, to and from the mouth, is, I think, not at all ungraceful (though some dislike it), for it may be managed so as to express sometimes gentle admiration, sometimes sudden indignation, sometimes dread, and sometimes entreaty. By clenching the hand and smiting the breast, we imply repentance or passion; and it is not amiss, if we be heard softly to say, What will become of me? What shall I do? I think it is more common, than it is graceful, to make use of the thumb, while the rest of the fingers are clenched in demonstrating. Meanwhile, all circular motions, or those that have an extravagant sweep, are disagreeable.

The hand is very gracefully brought from the left to the right, where it may seem gently to rest; though sometimes in finishing a period, we drop it with more quickness, though we soon recover it. And sometimes it rises, as it were, with a rebound, when we are earnest either in denying or admiring. Here the antient professors of this art very properly enjoin, that the hand should begin and end with the sentiment or the period, otherwise the effect must be very disagreeable, by making the gesture precede the words, or continue after they are finished. But they refine too much when they prescribe the time required for speaking three words, to be the interval
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of each motion. For this is neither true nor practicable. It is very proper indeed to observe a medium between too much slowness and too much quickness, lest the hand should be too long unemployed, or, which happens frequently, lest a continued motion should break in upon and disorder the pleading.

There is another error in action which is still more frequent and more enticing: I mean, using certain gestures, as it were mechanically.* It is much better to regulate the gesture by the natural pauses in a period, for example, "New and unheard of is the charge;" here is a natural pause, then the motion is to be renewed, and so on through the whole pleading. But in passages which require to be pronounced with heat, the gesture must quicken with the expression. Some passages require a quick, others a pointed, pronunciation. We make use of the former, when we touch slightly upon a subject, when we accumulate, overflow, or hasten; and of the latter, when we urge, inculcate, and impress. The milder manner, however, is the most affecting. Roscius spoke quick, Æsopus slow, for the former acted chiefly in comedy, the other in tragedy; and their pronunciation regulated their gestures. For the same reason, in all plays, the movements of young gentlemen, old men, soldiers, and matrons, are composed and majestic: those of slaves, serving maids, parasites and seamen, are more light and quickened.

The same masters enjoin a speaker not to raise his hand above his eyes, or to lower it below the stomach; and consequently condemn the raising it to the head, or dropping it to the length of the arm; but they suffer it to be applied to the shoulder, though not

* Some part of the original here is extremely trifling, and therefore omitted.

higher, for then it would be ungraceful. But when to express aversion, we hastily move our hand to the left side, we are then to make a movement with that shoulder in order to keep in the same expression with the head, which ought to incline towards the right.

The left hand never is by itself sufficient to make a graceful expression. But it often assists the right, either by digesting our arguments on the ends of the fingers, or by expressing aversion by expanding both hands to the left, or by holding both up, or by throwing one on each side, or by joining them, either when we supplicate, or offer satisfaction. These gestures, however, are diversified, either by dropping the hands low or raising them in admiration, or by throwing them abroad in order to demonstrate or invoke. For instance, "Ye Alban mounts and groves;" or in the speech of Gracchus mentioned by Cicero, "Wretch that I am, whither shall I retreat? Whither shall I turn me? To the capitol? The capitol swims in my brother's blood. To my family? There must I see a wretched, a mournful, and afflicted mother."

On such occasions as I have mentioned, the hands, when joined, have the strongest expression; they ought to have but little motion when the subject is inconsiderable, melancholy, or mild; but thrown abroad, when it is great, joyful, or dreadful.

I am now to take notice of the mistaken management of the hands, which often is the case even with experienced pleaders. As to vulgar actions, those, for instance, of one who grasps at a bowl, or threatens a blow, or expressing the number of five hundred, by clenching the fist, though they have been taken notice of by certain writers, yet I have not seen them practised by even the most awkward pleaders. But I have often seen pleaders who advance their hand so high, as to bare their whole side, while another
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seems deprived of power, to move it out of his bosom ; another thrusts it out to its full length ; another stretches it above his head, another lays so about him, that it is unsafe to stand within his reach ; another describes a large sweep with his left hand : another, by throwing his hands about at random, strikes the person who is nearest him ; or pushes about so with his elbows, as if he wanted to clear the bar. Some manage their hands with indolence and tremor, while others seem to saw the air. Some use their hands as if they had claws, by pawing with them ; or moving them up and down. Others affect the attitude of the statues of the Pacifier, by inclining the head to the right shoulder, thrusting out the arm almost in a line with their ear, expanding the hand, and inverting the thumb ; and this they call, speaking in a commanding posture.

Let me add to those, all who twirl their fingers whenever they think they have said somewhat that is smart and sentimental ; or make signals with their hand of what they speak ; or erect themselves upon their tiptoes as often as they speak any thing they are pleased with ; though this last manner is sometimes allowable. But it becomes a blemish when it is attended by thrusting up their fingers into the air, or holding up one, or both, hands, as if they were supporting a weight.

To these let me add, that ungracefulness that does not arise from nature, but from disorder and confusion. For example, when one frets at not readily pronouncing a word, at a slip of the memory, or when their presence of mind fails them. Another hems and coughs as if somewhat stuck in his windpipe ; another wipes his nose in a slovenly manner ; another walks about so fast, that he seems to leave his words behind him ; while another stops short all at once, and, as it were, courts applause from

from the hearers, with a thousand other absurdities ; for every speaker has his failures of action. But above all things, a speaker never ought to thrust his breast and belly too far forward, because it makes his hinder parts jet out, which is an indecent posture.

The motion of the sides ought to correspond with the gesture, for there is a correspondence to be observed through all parts of the body ; nay, Cicero says, that there is more in that than even in the management of the hands. " Let an orator (says he in his speaker) avoid all slight of fingers, or keeping time to his words with his hands ; let him address himself by a graceful sway of his whole body, and a manly flexibility of posture.

An orator who wants to express indignation, or to rouse his audience, may with a very becoming grace strike his thigh ; a practice which is said to have been first introduced into Athens by Cleon. In this, Cicero thinks that Calidius was defective. " He was (says he in his Brutus) a spiritless orator ; he never struck either his forehead or his thigh, nay, (which is the least emotion an orator can show), he never so much as stamped with his foot." I, however, ask leave to differ with my great master as to the striking of the forehead ; for to clap the hands, or to smite even the breast, is too theatrical in an orator. It seldom too is becoming to point with the fingers to the breast, while the hand is held hollow, if we address ourselves in strains of encouragement, reproach, or pity ; but if this ever should be proper, the speaker should never bare his breast, or put aside his robe. / As to the feet, we are to observe how we fix and how we move them. To stand with the hand and foot of the same side, advanced, is an ungraceful attitude : we may however sometimes sink a little on the right foot, but then our chest ought to be erect ;

erect; and after all, there is somewhat in this posture that is more fitted to a player than an orator is likewise ungraceful, when the left foot is advanced to raise or stand upon the tiptoes of the right. straddling is likewise indecent, and when attended with certain circumstances, is extremely so. If an orator starts from his place, his sally ought to be well timed, short, and neither excessive nor frequent. Some orators find a conveniency in walking, because it employs the time, in which they cannot be heard for the applauses that are given them. But Cicero disapproves of walking too frequently or too long.

Nothing can be more impertinent, than for an orator to be always tripping about, and as Domitius Ahenobarbus said of Sura Manlius, to run after a cause, instead of pleading it. In like manner, Flavius Virginius the rhetoric-professor, asked a rival professor, who had this custom, how many miles he had declaimed that day? It is a standing rule, while we are walking, never to turn our backs to the judges, but always to observe such an attitude, as to keep them in our front. This, however, is not always practicable in private trials; but there, the space for moving about is more contracted, so that if an orator should turn from the judges, it can be but a moment.

We may however retire a little, without turning from them; but some are ridiculous enough to show this indecorum, by jumping backwards. Cicero approves of a well managed stamp of the foot, which he says, ought to take place in the beginning, or end of a dispute. To make a frequent practice of this is mighty foolish, and the judge pays no regard to it. The shifting the feet, and swaying, as it were, from right to left, is likewise very disagreeable.

But an effeminate action is, of all others, to be avoided; like to that, which Cicero tells us, Titus

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had, to such a degree, that a dance was called after his name. Some, too, have a very disagreeable way of reeling hither and thither ;) a fault that was ridiculed in the elder Curio by Junius, who asked, what he was who spoke from the cock-boat. There was a good thing said by Sicinius upon a like occasion ; for when Curio one day was tottering as usual, from side to side, Sicinius came up to his colleague Octavius, who was swaddled up and bedaubed with ointments for the gout ; how much obliged are you, says he, Octavius, to your colleague ; had he not served you for a fly-flap, the flies would certainly have eat you up by this time.

Some have a disagreeable way of shrugging up their shoulders. Demosthenes is said to have corrected this custom in himself, by standing while he pronounced in a narrow kind of pulpit, with the sharp point of a spear hanging down, and almost touching his shoulder ; so that if a shrug happened to escape him, he was put in mind of it by the point of the spear.

An orator, in a public pleading, has a colourable pretext for walking ; because, when several judges are upon the bench, he may address himself to each separately, in order to make them more masters of what he is saying. It is however intolerable to see an orator, as many do, throw the lappet of his gown over his shoulder, draw it down with his right hand, and tuck it in at his waist, and all the while employ his left hand in demonstrating, and talking to those about him. This is the more indecent, as we ought never to bare the left side, by bringing the gown too far round to the right. This leads me to speak of a most impertinent custom, which some have, while the noise of applauding them continues, of whispering some one in the ear, of joking with their companions, and sometimes looking back to their clerks,

with an air of self-satisfaction, as if bidding them be sure to mark those who were loudest in their applauses.

It is very allowable to incline a little towards the judge, when you want to inform him of a matter that is not quite so clear. But it is very shameful to lean upon the advocate for the other party. It shows too much affectation for a pleader to loll back, and lie, as it were, supported by the hands of his own clients, unless in case of necessity. A pleader, likewise, should never have occasion to be prompted too loudly, or to look too much into his papers. All such practices take off from the force of speaking, cool the attention, and make the judge think himself slighted. It is likewise disagreeable to see a pleader skip from bench to bench. Cassius Severus, with a good deal of humour, used to require such pleaders to be tied up in their stall. But I sometimes remark, that if such gentlemen set very briskly out, they return very heavily back.

I am sensible that a great deal of what I have said is useless to those who plead before a high tribunal, which requires a different manner. For there, as the seat is more elevated, the look must be more erect, in order to reach the judge; and many other particulars are to be observed, that must occur, without my pointing them out. I may make the same remark of those pleaders who speak sitting (as we generally do in trifling causes), for then there is no room for a spirited action, and it is necessarily subject to many imperfections, especially by our being obliged to sit on the left hand of the judge, by which it is impossible for us to observe the propriety of action in a direct line to the bench. To cure this, I have seen many pleaders rise up, as if to applaud themselves, when they had finished a period, and some of them even walk about; but such I think

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can scarcely be said to plead sitting, or even to plead with decency.

Let the orator I am now forming abhor to eat or drink while he is pleading; though that I know was formerly the custom with many, and still is with some. For if he cannot otherwise support the fatigue of pleading, it is no great matter if he never is to plead. And indeed he never ought, if he cannot do it, without debasing both himself and his profession. An orator has no peculiar habit; and yet he ought to be properly distinguished by his appearance. His dress, therefore, should be noble and manly, and such as becomes a person of rank. But he is to be blamed, if he is either too finical, or too careless about his robe, his shoes, or his hair. Time introduces some alteration in this respect. The antients had no plaits * on the bosom of their robes, and those who used them first wore them very narrow: they therefore had their arm confined, like the Greeks, within their robe; therefore it is reasonable to think they made use of an action very different from our's, But I am speaking of the present dress. An orator who has not a right to wear the laticlave, ought to take care the fore lappets of his robe reach below his knee, and the hinder to his leg; for to drop them lower belongs to women, and to tuck them higher to soldiers. It is easy to adjust the purple borders of the augusticlave; for to be too slovenly sometimes gives offence. They who wear the laticlave, wear it deeper than the robes that are gathered round us. I would, by all means, have an

* The original here will be best understood by the inspection of ancient statues, where we see the large plaits of the gown fall upon the arm, and serve by way of sleeve. Though great part of what is here said is not applicable to English orators, yet I have translated it on account of the vast insight it gives us into the Roman manners.

(orator wear robes that are well cut out, and that sit genteelly on his person,) otherwise he must make a very awkward figure*.) A large fold towards the middle of the robe, which does not reach so low, at least, not lower than the border before, is very graceful. As to that part of the robe which is drawn from under the right shoulder across the left, and serves as a buckling, † it ought neither to be drawn too tight, nor to hang too loose. The lappet of the robe which we afterwards gather in our hand, should hang lower than the great fold, because thereby it is more becoming, and less cumbersome. Some part of the tunic likewise ought to be open before to give a freer play to the arm ; then we may throw the great fold across the shoulder ; and this is not unbecoming when it is done to its full length. The shoulders and the whole of the breast ought not to be quite covered, for that gives a scanty air to the dress, and loses that manly gracefulness there is in a broad chest. The left arm ought to form a kind of square with the body, and the robe should fall from it in equal folds. The fingers should not be loaded with rings, especially such rings as do not go over the middle joint. (The best way of managing the hand is to hold it in an easy, careless posture ;) nor ought an orator to affect employing it too much in looking into his notes, for that implies a kind of diffidence in his memory, and embarrasses great part in his action.

Our forefathers wore their gowns as the Greeks do their cloaks, down to their heels. And this custom

* Somewhat here is both redundant and depraved in the original : Ferrarius, who has written better than any author upon the Roman habits, says he does not understand it ; I therefore have not translated it.

† I have preserved this word, because the Romans actually called this part of their dress the umbo, or the buckler.

was recommended by Plotius and Nigidius, two ancient writers concerning the action of an orator. I am therefore surprised, that the second Pliny, a man of great learning, in a treatise of his, wherein he displays a scrupulous exactness upon this subject, should think that Cicero wore his robe so low in order to conceal his bandy legs, because we see the statues of them who lived since the time of Cicero, habited in that very fashion. Nothing but want of health can excuse an orator from wearing a short cloak over his robe, or a thick handkerchief round his neck, or a quilted night-cap to cover his ears, or bandages to wrap round his legs.

But all I have said upon dress, so far as it regards action, ought only to be understood to relate to the beginning of a pleading; for when we proceed a little way in speaking, the folds will of themselves drop from the shoulder; and when we come to argue and reason, then we may toss the gown from right to left, and adjust it as we think proper. It is then we are at liberty to pluck it from our breast and shoulders, for then we are too earnest to mind what we do, and as the voice gathers vehemence and variety, so the robe too bears its share in fighting the battle. Therefore, as the twisting the gown round the left arm, or binding it like a girdle round the body, denotes a degree of fury, and to be always tossing it across our right shoulder betokens effeminacy and delicacy, and as there are other gestures still worse, I see no reason why we ought not to keep the loose fold under the left arm, for I think that attitude gives the speaker an air of keenness and quickness, and, at the same time, it marks a noble emotion and a spirited action.

But when the pleading draws near its close, and when we have acquitted ourselves with success, then almost every gesture becomes us; even our sweat,

sweat, our fatigue, our disordered dress, and our gown, however loose, and almost dropping from our back. I am therefore surprised, that the same Pliny should take it into his head to enjoin an orator to wipe the sweat from his brows with his handkerchief, but so carefully as not to discompose his hair. And in a following passage, he very properly, but very earnestly and severely, forbids him to take any pains in dressing his hair. (For my own part, I think the hair when discomposed and disordered gives the speaker an air of emotion, which has an excellent effect, as if he was too much busied and concerned to mind such matters.) But if the folds of an orator's gown should fall down just when he has begun to plead, it would discover either carelessness or laziness, or stupidity, should he neglect to re-adjust it.

Having now gone through and explained both the beauties and blemishes of action, the orator who has considered them all has great room for reflection. He is to consider in the first place, what he is to say, who are to be his judges, and who are to be his hearers. Now as one style of language is more proper for one cause or audience than another, we may say the same thing of action. For the action of our voice, hands, feet, and body, must differ according as we speak before a sovereign, a senate, a people, a judge, in a public or private trial, or in a friendly remonstrance. This difference may be easily understood by any man who seriously considers the subject upon which he is to speak, and the end he ought to aim at.

The subject requires four considerations. The first relates to the general complexion of a cause, whether it requires a melancholy, a gay, a careful, a careless, a grand, or a little manner; nor ought we ever to bestow so much pains upon any one part of

of it, as to make us lose sight of its general tendency. The second consideration regards the different parts of the pleading, I mean a just expression fitted throughout to the introduction, the narrative, the reasoning, and the winding up. The third regards sentiments, which in the delivery ought to be varied as circumstances and passions require. The fourth lies in single expressions; and here, as it is a blemish to attend each of them by an imitation of what we say, so many things will lose their force, unless they are explained by a proper action.

When we pronounce panegyrics (I do not mean funeral orations), a return of thanks, an exhortatory discourse, or the like, the action ought to be free, yet grand and sublime. It requires to be melancholy and submissive in funeral orations, in consolations, and generally, in pleading for an impeached party; before the senate we ought to preserve respect, before the people dignity, and in private causes moderation.

The several divisions of a pleading, the different and numerous sentiments and expressions to be employed in each, require a more thorough consideration. Action has three purposes; to conciliate, to persuade, and to move, and the natural result of all the three is delight. An orator conciliates a judge by the gentleness and purity of his manners, which are, as it were, seen, I know not how, in his speech and behaviour, or he succeeds by the mere charms of his eloquence. Persuasion is effected by a certain positive manner, which is sometimes stronger than proof itself. Said Cicero to Callidius, "were your charge true, would you enforce it so coldly?" And in another passage, "he was (says he) so far from inflaming our passions, that we scarce could keep ourselves from sleeping." An orator, therefore,

fore, ought to speak confidently and resolutely, especially if he has grounds for what he says. A judge or a hearer is moved by a just expression of the passions, and by the speaker either feeling or seeming to feel what he says.

When the judge in a private cause, or the crier of the court in a public, calls us up to speak, we ought to rise leisurely from our seat, and take some time in surveying, and if needful, adjusting our dress; both that it may appear more decent, and that we may gain some time to think upon what we are to say. But when we are to speak before the sovereign, before a great officer of state, or an awful tribunal, this is not allowable; but, upon all occasions. the attention and regard paid by an orator to a court gives wonderful delight to the audience, and disposes the judge himself in his favour.} Homer, in the example of Ulysses, recommends this manner; for he says, "that he fixed his eyes upon the ground without moving his sceptre," before he poured out that torrent of eloquence which followed. In this hesitation there are certain dilatory trifles, which, to speak in the language of the stage, are far from being ungraceful preparatives to action; such as stroaking down the face, looking at the fingers, making one hand pass over another, seeming to make an essay to speak, and sometimes betraying a visible concern about what we are to say, or whatever best suits the speaker, and which may continue till we see the attention of the judge fixed.

The posture of the speaker's body ought to be erect, his feet at a little distance, but upon the same line, or the left a very little advanced, and his knees in a straight, but not in a stiff posture. His shoulders ought to have an easy fall; his look should be serious, but neither melancholy, stupid, nor languid.

guid. His arms should be disengaged, and his left hand in the posture I have already described. As to his right hand, when he is about to speak, he should move it a little from his body, with a gentle sway, as if expecting when he is to begin.) Some are absurd enough to toss their heads aloft, to rub their beard, and to put on a brazen face, by assuming an air of impudence; while others stroke their hair back, to give their look the greater sternness, and unnaturally make it rise on end, till they seem quite frightful. Others, as is common with the Greeks, seem to con over, on the ends of their fingers, what they are to say, and accompany it with motions of their lips, or fall a coughing, thrusting one of their feet out, gathering up part of their robe with their left hand, and either standing stiff or motionless, or crouching with their shoulders above their ears, like a boxer watching his opportunity.

(The introduction of a pleading most commonly requires a gentle delivery.) For nothing is more proper than modesty is to conciliate the affections. But this is not always the case, for as I have already observed, all introductions are not to be delivered in the same manner. In general, however, they suit best with a calm voice, and a modest gesture, the robe flung over the shoulder, the body gently swaying to both sides, and both eyes directed to the same object.

The narrative requires the hand to be more advanced, the robe to be fallen from the shoulder, the gesture to be marked, the voice to have a conversible tone, only a little more elevated, but still upon one key. But I mean this only to be understood of such narratives as run in the following strain: "Quintus Ligarius then, before there was any appearance of a war, went as lieutenant-general under

Caius Confidius into Africa." "Or Aulus Cluentius Habitus, the father of my client."

Some narratives require a more passionate and spirited expression; for example, "the step-dame marries her son-in-law." Some require a mournful pronunciation; as the following; "There was exhibited in the market place of Laodicea, a most cruel spectacle, a spectacle that all Asia had reason to curse."

As to proofs, they require great variety of action. All that part of them which consists in stating, dividing, and questioning, suits with the conversible manner, as does the resuming our adversary's objections. And yet there is some diversity even in this manner, because we pronounce some things in contempt, and others in imitation.

When we reason, our action generally should be more active, pointed, and earnest; and our gesture suited to our purpose, I mean strong and quick; nay, sometimes it should rise to rapidity.

Digressions are most commonly gentle, smooth, and flowing: witness, when Cicero mentions the rape of Proserpine, describes Sicily, or praises Pompey. And, indeed, there is some reason in this, for we are not to express great earnestness in matters that are detached from the main question. Imitation requires a manner, that upon another occasion might be blameable, because it affects carelessness; for example, "I think I still see some crowding in, others crowding out, some staggering under what they had drank to day, others yawning from what they drank the day before." Here a gesture is allowable, agreeable to the expression, a slight pointing to both sides, but all to be performed by the hands without any participation of the body.

Various are the means by which we fire the judges. The highest and the sharpest strain which
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any orator can use for this purpose is, when Cicero in his pleading for Ligarius says, "After the war, O Caesar, was begun, after its operations were advanced." For he said immediately before, "While I plead at your tribunal; and I could wish my voice would serve me to be heard on this subject by all the people of Rome." The following is spoken in a less severe and more mellow tone; "For what, O Tubero, was the meaning of thy naked sword in the ranks of Pharsalia?" When he says, "But in a full assembly of the Roman people, vested with a public character," the voice is more full, slow, and softened; every vowel must be then strongly expressed and dwelt upon, so that nothing may be lost in the pronunciation. "You, ye Alban mounts and groves, I implore and attest," requires a more majestic manner; while nothing but harmony flows in; "Rocks and deserts are respondent to the voice."

(The above are so many instances of that play of voice, that management of tones, for which Demosthenes and Aeschines reproached each other. But that circumstance is no argument against their being used; because, that they were used by both is plain from their mutual reproaches; for when Demosthenes swore by the shades of those heroes who perished at Marathon, Platea, and Salamis, and when Aeschines deplored the fate of Thebes, we are not to suppose they spoke in their ordinary tone of conversation.

Besides those tones there is one which is a little, as it were, supernatural, by being without the compass of the voice, and is, by the Greeks, called the bitter tone. When Cicero in his pleading for Rabirius says to the clamorous populace, "Peace, peace,—your bellowing only shews what fools, and how few, ye are." The two first words are supposed to be spoken in a tone of voice, which comes under none of the denominations I have mentioned.

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As to the winding up of a pleading, clearness and conciseness are all that is required, if it contains only a recapitulation of facts and propositions. If it is intended to arouse the judges, we must employ some one of the manners I have already described; if to soften them, the voice must be smooth and gentle; if to touch them with compassion, we must apply a flexibility, a mournful sweetness of voice, which nature gives to every one, and which she has modulated for compassion.) For we see even orphans and widows, when attending the funerals of their parents or husbands, bemoan their loss with a kind of mournful melody. That cloudiness of voice, which Cicero says Antonius the orator possessed, is wonderfully well adapted to this, and ought to be studied.

Compassion, however, is of two sorts: one is intended to excite hatred; such as the compassion for the Roman citizen, whom I mentioned to have been whipped by the command of Verres. The other is attended with deprecation and supplication only. Therefore, though the words "In an assembly of the Roman people," are to be pronounced with a kind of darkened harmony, and not in a scolding tone; and though when Cicero said, "Ye Alban mounts and groves," he spoke them neither with an exclamatory nor an invocatory voice, yet he employed a much greater compass of modulation, and greater powers of voice, when he said, "Wretch, unhappy wretch that I am!"—And, "How shall I answer it to my children?"—"Could you, Milo, by these, recal me to my country? And by these, shall I be unable to retain you in your's?" And when he sells the estate of Caius Rabirius for a single sestertius, he adds, "Cruel, detestable proclamation!" An excellent effect likewise is produced by an orator's seeming to faint at the close of a pleading,

ing, through grief and fatigue. Thus Cicero, in pleading for Milo, says, "Here must I stop; my tears deny utterance to my tongue, and the commands of Milo forbid the intercession of my tears." Here the pronunciation should agree with the sense. As to the other incidents usually attending this part of pleading, such as encouraging the accused, holding up children, bringing relations into court, I have already mentioned them in the proper place. I shall only observe farther, that there is somewhat peculiar in every part of a pleading, it is plain, as I have already said, we ought, through all that variety, always to adapt the voice to the meaning and sentiment.

Nay, single words sometimes, not always, require the same attention; poverty, wretchedness, should be pronounced with a sinking, faltering voice. When we say that such a man is brave, that another is terrible, and another is a villain, every character is to be pronounced with a strong, spirited tone. The manner of pronouncing gives a force and propriety to words, which they otherwise would not have. Nay without it, they might carry a quite different meaning.) By changing the pronunciation, the same words may express affirmation, reproach, denial, astonishment, indignation, interrogation, derision, and contempt. When Virgil makes *Æolus* say, Thou gavest me what I have. His shepherd says, in singing thou his match?—In another place of the *Æneid*, one says, thou that *Æneas*!—And *Turnus* says to *Drances*, thou call me coward? Here every thou, requires to be pronounced in a peculiar manner, in order to give the meaning intended by the poet. But not to take up my reader's time, any man may consult himself upon these, or any other examples, wherein the same words require various expressions, and he will find what I say to be true.

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(I have one observation farther to make, which is that gracefulness is the chief property of action) but this gracefulness has several characters and expressions ; for one does not suit every man. (It is certain gracefulness is founded upon a principle which we can neither express nor account for ; and though it is true, that our chief business is to aim at the graceful, yet it is as true, that there is an art in attaining to this graceful ; and yet we cannot by art attain to the whole of it. In some people virtue appears ungraceful, while in others even vice is agreeable.)

The two best players I ever saw upon the stage, mean Demetrius and Stratocles, had quite opposite characters of action. But this was the less surprising, because the one excelled in the character of god, a young gentleman, an indulgent father, a slave, a matron, or an old woman. The other was incomparable in that of a peevish, crabbed, old man, a arch cunning knave, a parasite, a pander ; in short in all characters that required exertion and activity. Now nature had given each of them a different cast there was sweetness in the voice of Demetrius, and power in that of Stratocles. But each had peculiar and personal properties that chiefly engaged my attention. Demetrius was wonderfully graceful in the management of his hand, in a sweet expression of surprise, which he affected the more, because it always charmed the audience, in that artful disorder with which he came upon the * stage ; and in his inimitable attitudes, when he threw himself into profile ; in all such parts of action none could compare near him ; for besides art, he had the advantage of just stature, and a most beautiful person.

* The original implies that his robes were swelled by the wind

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The other excelled in tripping along the stage ; in a perpetual restlessness of body ; in a peculiarity of laugh, which he knew never failed to take with the people, and in an arch way of sinking his head between his shoulders.

But if the one attempted any of the parts in which the other excelled, he did it most vilely. (An orator's great art, therefore, is to know himself, and in forming his action to consult not only the rules of art but his own genius.) And yet there is no impossibility for one man to excel in several, nay in all characters of action.

(I shall close this book as I have done others, by cautioning my readers against excess in every thing, and recommending a mean.) I am not forming a player but an orator. We are not to observe every trifling prettiness of gesture ; we are not to torment ourselves about marking every point, every pause, and emphasis of speech, as if we were pronouncing the following passage from the Eunuch of Terence, "What then shall I do ? Not go ? No—but she invites me—That is nothing—I'll pluck up a spirit ; I'll be no longer the slave of a whore—as she is." Here the player is to observe every stop, every doubt, every variation of voice, with every motion of the hand and head. But this is not the business of an orator. He must not descend to such littlenesses ; he is to plead and not to mimic. (Away then with all mouthing expressions, all finical gestures, all studied mechanism of voice, which swell, disgrace, and break oratorical action.) Well might our old orators borrow a Greek phrase to express this manner, and which we have from Popilius Lena, who calls it the action of puppets. Let us therefore, in this, as in all other parts of an orator's practice, follow the excellent precepts laid down by Cicero, through different parts of his works, where he treats of elo-

quence, and to which I am indebted for great part of what I have said on this subject. But a spirited, theatrical action is in vogue at present; nay, it is called for, and in some cases, it is not unbecoming; but it ought to be carefully managed, lest while we aim at the pleasing prettinesses of the player, we lose the amiable character of the gentleman, the man of sense, and the man of honour.

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK XII.

INTRODUCTION.

I NOW proceed to that part of my work which is by far of the greatest importance. Could I when I first entered upon it, have conceived any idea of those difficulties under which I am now almost sinking, I should long ere now have consulted my own ability. But at first I only considered myself as obliged in honour to make good what I promised. As I proceeded, I found difficulties growing on both hands; but still that I might not lose what I had already done, I was resolved to conquer them. For this reason, though I am now more oppressed than ever with the burthen, yet I will rather sink under it, than abandon it, since I am now within sight of the end of my labour.

I deceived myself by taking my pupil up so early as I did. A flattering gale made me proceed on my voyage. While I dwelt only on points and matters that were known and common to other writers, I

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considered myself as being still near the shore, and took my chance with those who committed themselves to the same breezes. But when I came to launch out into the doctrines and principles of elocution; subjects but lately found out, and but seldom attempted, I found myself out of sight of land, and almost unaccompanied in my voyage. And now that I have brought my pupil to be an orator, now that he is obliged no longer to attend the schools of eloquence, now that he soars upon his own pinions, and can reach those heights, where he can be instructed in the school of wisdom herself, I begin now to be sensible in what a boundless ocean I have sailed, and to say with the poet,

There's nought but air and billows to be seen.

In this boundless tract I can however discern the vessel of Cicero, which was capacious, strong, and well equipped, when he set out upon his voyage, yet when he entered this ocean, he contracted his sails, he lay by with his oars, and thought it sufficient that he had discovered that kind of eloquence, which was proper for a complete orator. But I boldly venture to examine his manners, and to prescribe his duties. In this I have no guide to follow, for I must proceed farther than my great master has thought proper to go. But still an honest intention is commendable, and we never venture so little, as when we are sure to be pardoned if we fail.

CHAP. I.

THAT NONE BUT A GOOD MAN CAN BE A FINISHED ORATOR.

Several arguments brought to support this proposition—The morals of Cicero and Demosthenes vindicated—An address to young gentlemen—Objections answered that he himself has laid down rules for imposing upon the hearer—That it may not be inconsistent with the character of a virtuous man sometimes to defend a bad cause.

• (LET the orator, therefore, whom I have thus formed, be at once a man of virtue and eloquence, and thus he will answer the definition given of him by Marcus Cato.) Here, the first character in the nature of things is, the most excellent and amiable. Were a wicked man to be armed with eloquence, society could have no such pest. Nor ought I to shew my face to mankind, if after all the pains I have taken for the service of eloquence, I should furnish a robber and not a soldier with her arms and artillery. But what do I speak of myself? When nature, that indulgent mother, endowed man with speech, to distinguish him from other creatures, she would have acted the part not of a parent, but a tyrant, had she intended that eloquence should herd with wickedness, oppose innocence, and destroy truth. It had been more kind in her to have ordered man to be born mute, nay, void of all reason, rather than that he should employ the gifts of providence to the destruction of his neighbour.

But my judgment carries me still further, for I not only affirm that a complete orator must be a good man, but that no other than a good man can be a complete orator; and I prove it thus: where the paths of virtue and vice are equally discernable, can

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we suppose a man to be endowed with understanding, if he shall chuse to follow the latter? Can we suppose a man to possess common sense, who shall, for want of consideration and foresight, expose himself to most severe punishments, often of law, always of conscience. Now, if it is held as an undoubted maxim not only by the wise, but by the vulgar, that a man cannot be wicked, unless he is foolish; how can a fool be an orator? Let me observe farther, that unless the mind is free from all kinds of wickedness, it is impossible for her to be in a disposition proper to study this amiable art. Because in the first place, virtue can have no fellowship with wickedness in the same breast. And it is as impossible for the mind to apply to aspire after honesty and villainy at the same time, as it is for a man to be at the same time virtuous and a villain. In the second place, when the mind applies to so important a study, it ought to be void of all other, even the most innocent concerns. For then, and only then, it can be disengaged and unencumbered enough, freely to devote itself to its favourite study.

If too great an attention to our persons, our estates, or family concerns, to the pleasures of the chase, or to public diversions, at which we spend whole days, are vast avocations from every kind of study (and we are to consider, that all the time we bestow upon any other pursuit is lost to this study), what must be the consequence if we dedicate ourselves to the pursuits of inordinate ambition, avarice, and revenge? Vices that haunt us even in our dreams, and break in upon our slumbers. For nothing is so distracted with business, nothing is so persecuted, nothing so tormented with conceptions and apprehensions, as a wicked conscience. While it is hatching the ruin of another, itself is under the torture of uncertainty, anxiety, and dread. Nay, even when it is successful
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in iniquity, it feels every anguish of disquiet, remorse, terror, and expectation of the most dreadful punishments. While it is stretched upon such a rack, can it have leisure to apply to letters, or a liberal art? No, that is as impossible as it is for the uncultured field, over-run with weeds and brambles, to yield a plentiful crop of corn. Let me pursue this reasoning farther: without temperance, can we conquer the hardships of study? Then how can we do it if we devote ourselves to lust and luxury? Is not our love of glory the chief incentive to the study of learning? And can that virtuous ambition subsist in a wicked mind? Does not daily experience convince us, that the chief business of an orator consists in handling matters of equity and justice? And can we suppose, that a man full of iniquity and injustice, can do that with a dignity suitable to the subject? But to cut this topic short; granting the worst and the best of men to possess the same degree of capacity, application and learning, which of them will be accounted the best orator? undoubtedly the best man. It follows therefore, that a bad man can never be an all-accomplished orator; for it is impossible for a man to be all-accomplished in an art, if another is more accomplished in it than he.

But in order to avoid the imputation thrown upon the followers of Socrates, that I start objections and answer them as I please; let me suppose a man to be so hardened against the truth, that he shall venture to affirm, that when a bad and a good man possess the same degrees of capacity, application and learning, they will be equally good orators? I shall now proceed to convince him of his absurdity. It is certain that the chief business of every orator is, to lay down such propositions, as to a judge shall appear to be fair, equitable, and virtuous. But which will succeed best in this, the virtuous or the wicked

wicked man? The virtuous undoubtedly; and because he is best acquainted with honesty, the more will his pleading partake of it. I shall by and by shew it may possibly happen, that a virtuous orator may be obliged by his duty to advance what is not strictly true; but granting even that to be the case, it is certain he will be more readily believed, than he would be, if he was known to be a worthless fellow. Such a one has too great a contempt for reputation; he is too insensible of the value of virtue, to be always able to preserve even appearances. Hence it is that we find such men perpetually laying down propositions without probability, and enforcing them without decency; and finding themselves unable to make them good, they have recourse to frontless impudence, and bootless obstinacy. For as in their life, so in the causes they undertake, they entertain extravagant hopes.

But the worst of all is, that they are often not believed, even when they happen to speak truth; and the character of the pleader prejudices the cause.

I am now to answer certain objections, that are pushed with all the force of vulgar breath, and are not more clamorous than unjust. Say they, you do not then allow Demosthenes to have been a good orator, for we are informed that he was a very worthless man? You pluck the palm of eloquence from Cicero, whose morals and conduct are generally condemned. Doughty objections indeed! My answer may shock the gentleman: it is therefore proper, that I should prepare their ears to receive it.

In the first place then, I see no reason for laying such a load upon the character of Demosthenes, or for believing all the slander that has been raked together against him by his enemies; when I have it from undoubted authority, that he performed great and glorious services to his country, and that he
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died like a man of courage and virtue. Neither can I find the character of Cicero deficient in the duties of an excellent patriot. Witness his unparalleled glory as a consul; his blameless government as a magistrate; his crushing the project of governing the republic by twenty senators, though he himself was to have been of the number; witness his courage which was proof both against hopes and fears, in declaring for that party, which was in the interest of their country, during all those dreadful civil wars, which broke out in his life-time. Some have accused him of pusillanimity, but to this he himself gives an excellent answer, that this was not pusillanimity, but prudence, and that he was not fearful in encountering danger, though he was cautious in guarding against it. And he made this defence good in his death, which he met and suffered with an undaunted spirit.

If I am asked, how can they be orators, since it is certain they were not completely virtuous? My answer shall be pretty much the same with that of the stoics, who, when they are asked whether Zeno, Cleanthes, and Crysippus, were wise men, make answer, That they were indeed great and venerable men, but that they did not attain to the perfection of virtue. Nay, Pythagoras himself would not, like others before him, assume to himself the denomination of a wise man, but a lover of wisdom. In conformity therefore, to the received usages of speaking, I have often said, and will always say, that Cicero is a perfect orator, in the same sense as we call our friends men of consummate virtue and wisdom, though it is a character that is strictly applicable only to the truly wise; and no such man exists.

But, that I may conform myself to the strictness of language and truth, the orator I speak of is such
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an orator as Cicero himself sought after. For though I readily acknowledge, that he stood upon the summit, and though I scarce think it possible to have added any thing to his eloquence, yet, perhaps, I may be of opinion, that something might have been retrenched from it. For it is the general opinion of learned men, that though the eloquence of Cicero had a great many beauties, yet it had some blemishes; nay, he himself tells us, that he greatly restrained the luxuriancy of his youthful manner. But as he never arrogated to himself, though he knew his own value, the epithet of wise, had he lived longer, or in more peaceable times, he certainly would have improved his eloquence. I do him therefore no injustice in thinking that he did not reach that summit of perfection, which none ever approached so near to as himself.

If I abridged somewhat of this character, I could defend myself with still greater freedom. Marcus Antonius said, that he had never seen a man of eloquence, and that surely comes not near to my character of Cicero. Even Cicero himself declares, that he had never met with such a man; that he had only formed him in idea and imagination. And shall I venture to pronounce, that through all the eternity of ages yet to come, an orator may not arise, whose eloquence shall surpass that of Cicero.

I shall take no advantage of the opinions of some, who even derogate from the merits of both Cicero and Demosthenes. Nay, Cicero himself did not think that Demosthenes was, in every respect, perfect: for he says, that he sometimes nods; and Brutus and Calvus certainly found fault with Cicero's composition, even to his face. The two Asinii, father and son, are in many places very severe, nay, bitter against the blemishes of his style. But I shall grant, what is scarce probable in the nature

nature of things, that a wicked man may be eloquent, even in the highest degree ; yet I must deny that such a man is an orator, for the same reason as I deny that the man who is always ready to quarrel and to fight, is a man of courage ; because I think courage always implies virtue. In the man whom we employ to defend our life and property, do we not require honesty, that is not to be corrupted with avarice, biassed by favour, or shaken by fear ? Shall we give the sacred name of orator to a traitor, a coward, and a trickster ?

But if we require common honesty, as it is called, even in indifferent advocates, why may we not suppose an orator to arise (though none such has arisen yet) whose morals, like his eloquence, shall be perfect ? For I do not attempt to form my orator to be a meek bustler at the bar ; a noisy prostitute for hire, nor (that I make use of softer terms) a good, useful man in business ; or, in other words, an excellent barrister. My orator must possess every beauty of genius, and every excellency of nature. He must be completely master of every fine art : he must be sent down from heaven to mankind, with perfections greater than ever were known to former times ; matchless in his virtues, accomplished in his practice, his sentiments glorious, and his elocution divine.

How well is such a man fitted to protect innocence, to check the attempts of guilt, to detect practices and collusions in pecuniary matters ? But, though his influence and abilities upon such occasions are great and decisive, yet his character never can shine forth with so much advantage, as when he directs the counsels of the senate, and reclaims the people from headstrong rage. Does not Virgil seem to have such a man in his eye, when he introduces

roduces the calmer of a people's madness, while they indiscriminately toss about stones and fire-brands ;

But let them see a worthy patriot near,

They stand in silence, and with rev'rence hear.

Here, we see the first quality is virtue and wisdom ;
then the poet adds eloquence ;

So smooth he reasons, yet so strongly charms ;

They quit their fury, and resign their arms.

Even in the field and in time of danger, when the soldiers stand in need of encouragement, such an orator as I am endeavouring to form, will draw his eloquence from the very sources of wisdom herself. For how is it possible, when they are marching to an engagement, to make them forget so many fears of danger, pain, and even of death itself, but by substituting in their place the most striking sentiments of piety and fortitude, with the loveliest and liveliest images of virtue ? Can any man succeed so well in persuading others, as the man who is sincerely persuaded himself. Let deceit be ever so well guarded, yet some time or other, it will betray itself ; and no man had ever yet such command of elocution, as not to stammer and stop, when his lips did not speak the language of his heart. For a bad man in such cases must necessarily speak very differently from his real sense. But a virtuous man never can be at a loss for virtuous expressions, or for a flow of the noblest sentiments ; because he is a wise man at the same time. Granting that sometimes they are not bedizened with art, yet their own nature renders them beautiful, and the sentiment that is brave and honest will never want for dignity of language to cloath it.

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Let every young man therefore, nay, every man of us, for it never is too late to do well, apply to those divine attainments with all the powers of our mind. Let them be our only purpose; who knows but we may succeed? For, if nature has made it possible for one man to be virtuous, and another to be eloquent, why may not one man unite both? And why should not every one believe it possible that he is the man? But though we should not arrive at that point of perfection, yet still the nearer we approach to it, we are the more valuable.) Meanwhile let us shake off that groundless opinion, that eloquence, the fairest gift of heaven, can ever be reconciled to immorality. No; should a wicked man be eloquent, then eloquence herself becomes wickedness; because she furnishes that man with the means of being more wicked; and a bad man will be sure to use them.

Some I know prefer eloquence to virtue; and I think I hear such gentlemen saying, is eloquence then so artful? Did not you yourself lay down some precepts for colouring a bad, and for defending a doubtful, cause? Nay, did you not hint at destroying the force of undoubted evidence? To what purpose was all this, if you did not mean that eloquence was sometimes to overpower truth? According to you, a man of virtue will engage only in virtuous causes; and in such causes, truth will always of herself be powerful enough, without the assistance of art.

I will first answer those gentlemen, in defence of what I advanced in the first part of this work, and then I will satisfy the conscience of every virtuous man who may happen to be employed to defend the guilty. Now, it is of great service for any man at the bar, to know how to handle the defence of falsehood, nay, sometimes to speak on the side of injustice,

justice, were it only because he is thereby enabled more readily to detect the one, and refute the other. For a man will apply a remedy more successfully, if he knows what remedies have been unsuccessful. Nay, though the academics used to speak on both sides of the same question, yet for all that, we are not to conclude that they were men of abandoned principles. Even the famous Carneades was not a wicked man, though we are told that, in the hearing of Cato the Censor, he spoke against virtue with as much force of argument as he made use of when he spoke for it the day before. For wickedness, by being contrasted with virtue, illustrates the beauties of virtue. Justice appears more strongly when she is opposed to injury; and many other qualities are proved by their contraries. Upon the whole, therefore, an orator, as well as a general, ought to be well acquainted with all the force and stratagems of his enemy.

Even that proposition, which appears at first so shocking, that a virtuous man in defending the cause he has undertaken, will sometimes disguise the truth from the judge; even this proposition, I say, may be defended. The wisest philosophers of all ages, as well as I, believe that most actions of our life are justifiable or condemnable by the intention and not the fact. I hope, therefore, it will not be surprising, if I maintain the same doctrine. To kill a man is sometimes virtuous, nay sometimes it is highly glorious, even to sacrifice our own children. And things that are still more shocking to be spoken, may become allowable when public necessity requires them to be done. We are not therefore to take up with the single consideration of the quality of the cause which a virtuous man is engaged to defend, without enquiring into his intentions and reasons for so doing. For, in the first place,

place, all mankind, nay, the most rigid stoics must grant, that sometimes a very slight cause may justify the best of men in telling a lie. For instance, supposing a boy to be sick, do we not, in order to contribute to his recovery, tell him a thousand fictions, and make him a thousand promises we never intend to perform? Suppose one knows that a man has a mind to murder another, may he not employ a falsehood to save his neighbour's life? Are we not justified in out-reaching an enemy, when our country is in danger? Nay, may not a case be so circumstanced, that the thing that in a slave would be blameable, in a wise man may become commendable?

Those principles being laid down, I can conceive a great many causes to happen, in which an orator, as a man of virtue, may engage himself; though he would have nothing to do with them, were it not for the honesty of the intention, and the utility of the purpose. I do not apply what I say here, as if he was to dispense with the rules of severity only in defending a father, a brother, or a friend in danger; though even here there may be some hesitation between justice, on the one side, and affection on the other. But I speak in general, of all causes in which the intention is to be considered. Supposing a man to be impeached for attempting the life of a tyrant, would not my orator wish to save such a man? And, if he undertook his defence, will he not be justified in employing as many means of imposition as the party does who is employed against him? Supposing, in this very case, that my orator knows the judge will, without any other consideration, condemn the man merely upon the face of the fact if it should be proved, is he not to endeavour to disprove the fact, if that is the only mean by which he can save the life of an innocent, nay,
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a well deserving citizen? We may say the same of all like cases. Let me suppose farther, that a measure in its own nature is right, but at a certain public conjuncture, we know that if executed it must be prejudicial to our country; are we not, in such a case, to employ all the powers of rhetoric to dissuade it? Though, in so doing, however virtuous our intention may be, yet in our eloquence we must employ unjustifiable art.

I shall here just mention, that if it is possible to reclaim the wicked to a right way of thinking, as doubtless it sometimes is, it is our duty to preserve them for the service of our country, rather than to punish or destroy them. If, therefore, an orator upon good grounds is convinced that a man who is impeached even upon just grounds, will afterwards become a well-deserving member of the community, is he not in that case justified in employing every art of eloquence that can preserve him?

Having said thus much, I shall suppose, that an excellent general, the only man who can give success to the arms of a country, is impeached for a misdemeanor, which is too palpable to be denied, is it not for the common good that he should be defended upon this charge? We know, at least, that on the eve of a war, Fabritius, by his own vote, made Cornelius Rufinus consul, merely because he knew him to be a good general, though he knew him, at the same time, to be both a plague to his fellow citizens, and a personal enemy to himself. And while some were expressing their wonder at this, the answer of Fabritius was, "that he chose rather to be fleeced by his countrymen, than flead by his enemy. Supposing Fabritius to have been an orator, would he not have defended the same Rufinus upon a charge of oppression, had it been ever so undeniable?"

I might give many other instances to the same purpose, but I think the last case is sufficient. For I am not laying it down as a principle, that my orator is to be often embarked in such causes. But if it should so happen that he is, my definition may, notwithstanding, remain good, that "an orator is a worthy man, well skilled in eloquence." But it is likewise necessary, that some rules be laid down and learned, as to the proof of difficult points in a cause. For it often happens, that the very best causes have a near resemblance to those that are bad, and many plausible charges may be brought against an innocent man, which may oblige an orator to defend him, even upon the supposition of his being guilty. Besides, a vast number of circumstances may be in common to good and bad causes: such as witnesses, papers, presumptions, and opinions. Now what is only seemingly true, must be established, or refuted in the same manner as if it were actually true. Therefore, our pleading must be suited to the occasion, provided always that we preserve an honest intention.

CHAP. II.

THAT AN ORATOR OUGHT TO BE WELL SKILLED IN ALL PHILOSOPHY.

And that, not only to make him a good Man but a good Speaker.
—Logic, moral and natural Philosophy necessary to him.—
Examples.

I HAVE laid it down as a fundamental, that an orator ought to be a worthy man, but he cannot be so without virtue. And though virtue, in some measure, operates from nature, yet she receives her finishing excellencies from learning. The moral character

character ought to be a chief object of an orator's study; for unless he is well acquainted with the whole system of virtue and equity, he can neither be a worthy man nor a good speaker. Some, it is true, tell us, that our morals are formed by nature, and that learning contributes nothing to them. How absurd is this! since they must own, at the same time, that the most inconsiderable manufacture we attempt, the most contemptible piece of mechanism, requires a master. Shall we then think that virtue, that divine quality, which alone can make mankind approach to divinity, comes to us with our existence, without courting and without care? Can a man be temperate, and yet not know what temperance is? Can he be brave, unless, by his reason, he conquers all fear of pain, death, and superstition? Can a man be just without knowing the nature of justice and equity, without knowing their general laws, and without knowing their particular constitutions, under different states and governments? How inconsiderable must such knowledge be, if it comes so easily? I shall therefore leave this point, as a matter upon which no man, who has the least tincture of letters, can have the smallest doubt, and return to prove, that a man cannot be sufficiently eloquent, without being thoroughly acquainted with the powers of nature, and without forming his own morals by learning and reflection.

Crassus is very justifiable in Cicero's third conference concerning the qualifications of an orator, when he says, that the province of eloquence comprehends the whole system of what belongs, or what does not belong, to equity, justice, truth, and virtue; and that when philosophers enforce or defend them by the powers of speaking, they borrow their arms from the profession of rhetoric. At the same time, he confesses that we must now apply to philosophers,

losophers, in order to make ourselves masters of those topics, because they have for a long time monopolized them. (Cicero, however, in a great many of his treatises and letters, tells us, that the streams of eloquence flow from the deepest sources of wisdom.) And, therefore, for some time the profession of philosophy and eloquence was the same. I do not, therefore, mean that my orator should be a philosopher, because nothing can be more distant than the two professions are at present. For what philosopher do we see attend the courts of justice, distinguish himself in assemblies of the people, intermeddle in any public duties, or so much as attempt the business of an orator? Is there one of them, who understands the government of the state, though most of them have laid down rules for that purpose? But I would have the orator I am now forming a wise Roman, who fits himself for public business not for any fantastical speculations, but by practice and experience.

But because the study of wisdom has been abandoned by those who have applied themselves to that of eloquence, she does not now move in her own sphere, or enlighten the forum; for she found a retreat first in the portico and the gymnasium, and afterwards in schools and colleges. The orator, therefore, is obliged to apply for that philosophy which he finds necessary to his practice, to those who make it their particular profession, and not to the teachers of eloquence, because they profess it no more. He must consult the authors who have treated of virtue, in order to direct his life according to his knowledge of things human and divine. But how much more important and amiable would these be, were they taught by those who could express them best! Would to heavens I could see the day, when some finished orator, such as he I

wish to form, would vindicate unto himself this province (which has been rendered so odious by the pride of some, and the vices of others, who have corrupted all its virtues), and, as it were, re-annex it to the profession of eloquence.

Now as philosophy is divided into three parts, natural, moral, and rational, which of these is not immediately connected with the business of an orator? To begin with the last, which we call logic, and which deals entirely in words, there can be no doubt, that it belongs to an orator, to know the significancy of words, to explain their ambiguities, to unfold their perplexities, to detect their falsities, and, in general, to compare and examine them; though perhaps the business of the bar does not require all this to be so minutely discussed as in schools: because an orator is not only to instruct, but to move and to delight his hearers. In order to do this, he must move along as from a superior height, he must employ all the powers, and all the gracefulness of speaking; rivers falling from lofty banks into full streams below, roll more impetuous along, than small streams of water murmuring through scattered pebbles.

But to return to logic. As the masters of exercises do not instruct their pupils in the little movements, with a design that they should make use of them all, when they are boxing or wrestling in good earnest (for there weight, strength, and wind, are most effectual), but that they may have plenty of expedients to employ as occasion shall offer; in like manner logic, or the art of disputation, is very often useful in definitions, comprehensions, distinctions, differences, and in explaining ambiguities, as well as in separating, dividing, confounding, and darkening. At the same time, should it employ the whole business of the bar, it would clog the noblest

noblest part of it, and ruin the powers of eloquence, by mincing, frittering, and blending them with its own qualities.

For this reason, you will find some people very cunning in disputation, but beat them out of the quirks of logic, they make no manner of figure in a serious argument; like certain tiny animals, that hold out a long time, while they have holes and corners to creep into, but when driven into the open fields are easily caught.

As to moral philosophy, which we generally call ethics, it is entirely adapted to eloquence. For amidst such a variety of causes as I have described in the foregoing books, some of which turn upon mere conjecture, others are resolved by definitions, others decided by law, others set aside for informality, others by relating to other questions, others by inconsistencies, others by ambiguities; in such a variety, I say it is impossible, but that ethics which turn upon the distinctions of right and wrong, must bear a great share almost in every part of it. Every body knows that most of them hinge entirely upon the quality of a fact in question. But even in deliberative cases, where all the orator's aim is to persuade, how can he do that without having particular attention to what is right and virtuous in itself? Nay, that part which consists in praising or reproaching, cannot be handled without thoroughly knowing the nature of right and wrong. Has not the orator almost in all cases occasion to recommend justice, fortitude, abstinence, temperance, and piety? But the worthy man, who has not a lip-knowledge of those virtues (as some have of most topics that fall into conversation), but is so thoroughly impressed with them that he feels their operations in his own soul, such a man will always be able to do justice to his own sentiments,

sentiments, without being at a loss for words ; because as he thinks he will speak.

As every general question, however, is more comprehensive than a particular one, because generals include particulars, and not the reverse, there can be no manner of doubt, that general questions are best discussed by that study I am now considering. Now, as a great many causes turn upon short peculiar definitions, from which they have the name of definitive causes, are not such cases best managed by those who have applied most successfully to moral philosophy ? For let us reflect that every question of law either turns upon the propriety of words, the construction of equity, or the intention of a party : all which are to be determined upon the principles either of logic or morality. Therefore I conclude, that eloquence, unless it partakes in all the properties of those two parts of philosophy, is no more than loquacity ; and either has falsehood for its guide, or no guide at all.

As to natural philosophy, it opens a field of speaking, as much extended beyond that of the other parts of philosophy, as an orator upon celestial things must exceed in freedom and strength one upon terrestrial. And at the same time it comprehends all the moral part of philosophy, without which, as we have already seen, there can be no eloquence. For if we admit that the world is governed by providence, it is certain that every particular state ought to be governed by men of virtue ; if the human mind is of divine original, it ought still to be aspiring to virtue, without being fettered by the groveling, earthly pleasures of the body. Is not this a topic which an orator has often occasion to handle ? As to the answers of the augurs, and all parts of religious worship, upon which the debates of the senate so
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often turn, will not the orator whom in idea I have formed to be a statesman, likewise be the proper person to treat of all such matters? In short, what eloquence can be formed, nay, conceived to be in a man who is ignorant of this most excellent of all knowledge?

Though reason were insufficient to prove what I am now saying, yet I could do it by examples. Not only historians, but the authors of the old comedy (a set of men not at all given to flattery), tell us that Pericles was endowed with incredible powers of eloquence; though we have no remains of it extant; and we know that he was the disciple of Anaxagoras, the great natural philosopher; and that Demosthenes, the prince of Greek orators, studied under Plato. Nay, Cicero himself tell us, that he was obliged to the spacious gardens of the academy, more than to the schools of rhetoricians for his eloquence. Nor indeed could he ever have possessed that divine flow of words and matters, had he confined his studies within the bars of the forum, without giving it leave to range over all the bounds of nature.

A question however may occur here; what sect of philosophy is most proper to improve an orator? But this is a question that is confined to very few sects. For Epicurus gives us an absolute exclusion, and commands us to fly as fast as we possibly can from all learned studies. Aristippus too, by making all good consist of bodily pleasure, dissuades us from the toil of learning. How can Pyrrho contribute in forming us to eloquence, who by the principles he professes, is not sure whether he has judges to speak to, a client to defend, or a senate to harrangue? Some have thought the manner of the academy to be most proper for an orator, because their way of disputing upon both sides of a question comes the nearest to the practice of the bar; and in support

of this opinion, they observe, that it has produced many philosophers who have excelled in eloquence. The peripatetics too pretend to great practice in eloquence ; and indeed the method of taking a thesis for a subject of debate, arose from those sects. The stoics admit, that their leaders have been greatly defective both in the practice and embellishments of eloquence ; but to make amends for that, they maintain, that no other sect manage their disputations with more force, or their conclusions with more subtilty.

But I leave them to battle this question amongst themselves, since they are all of them bound by an oath, nay a sacrament, if I may so speak, never to depart from the tenets they have once embraced. But an orator is obliged to follow no sect. For the orator who aspires at being at once the great example of eloquence and life, has a nobler and a more exalted purpose in view. He is therefore to improve himself by the most complete models of eloquence in every sect ; and in forming his morals, he is to adopt the most virtuous precepts, and to follow the most direct path to virtue. He is indeed to handle every subject, but he is to apply chiefly to those that are by their own nature of the greatest importance and beauty. For where can an orator have a more fertile field of eloquence, than when he speaks concerning virtue, government, providence, the nature of the soul, and friendship? Here his eloquence rises with his ideas ; these, these are the true blessings of life ; for they allay our groundless fears, check our inordinate affections, raise us above the level of mankind, and prove our souls to be immortal.

An orator, however, is not to be master of this kind of learning only ; for he should be still more intent upon the examples, transactions, and sayings of antiquity ; all which he ought thoroughly to know and have

have ever in his mind.) And no state can furnish him with so great or so noble a store of this knowledge as our own. Were ever the doctrines of fortitude, justice, honour, temperance, frugality, with a contempt of pain and death, practised so well as they were by our Fabricii, Curii, Reguli, Decii, Mutii, and an infinite number of other Romans? For the Romans are as fruitful in examples as the Greeks were in precepts; the former being the more glorious, by practising what the latter taught. The orator will study those examples in another light than he would the history of his own days, since they instruct him not to regard the present time, and the immediate occasion only, but to consider that the career of a virtuous life, and the extent of glorious actions reach the latest ages of posterity. Such, such, are the fountains from which I would have him to drink deep of glory and liberty; that he may appear equally eminent at the bar and in the senate. (To conclude this topic; no man can be an accomplished orator, but the man who can think justly, and dares speak freely.)

CHAP. III.

THAT THE KNOWLEDGE OF THE LAWS OF THE STATE WE
LIVE IN IS NECESSARY TO AN ORATOR.

(THE knowledge of his country's laws is likewise necessary for an orator; and as he is to have a share in the government, he ought to be well acquainted with its constitution and religion.) For how can he debate to any purpose, either in public or private, upon counsels and measures, if he is ignorant of the fundamental principles of the government under which he lives? Or how, consistently with truth,
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can he profess the business of an advocate, if he must apply to another for the capital knowledge required in that profession? This would make him no better than the fellows who are hired by short-winged poets to read their compositions. He is, in short, no more than a puppet; for whatever he wants to inculcate upon the judge, he must do it upon the faith of another man, and, instead of assisting his client, his client must assist him.

He may, perhaps, endeavour to avoid this inconveniency by studying at home all the law terms and practice, with every thing else of that kind, and then presenting himself ready prepared before the judge. But how is he to behave, when (as is often the case on such occasions) an unforeseen question arises? Will he not then make a most pitiful appearance? Must he not have recourse to his inferiors upon the lower benches for information? Is it then possible for him to repeat exactly what his client told him, and give it an air as if it was his own? Yes, in a continued pleading he may; but how will he behave in the altercation, when he must return and charge off-hand; and where he has not a moment to spare for information. Supposing too that his friend, the civil lawyer, is absent. Supposing some pretending bungler shall prompt him to say what is wrong. For one of the greatest misfortunes of an ignorant man is, that he believes implicitly in the man who prompts him.

I am sensible of the prevailing practice, and I have not forgot those gentlemen who lie as it were, upon the watch, to furnish pleaders with weapons; and this I know to have been the practice in Greece likewise, and that there they had the name of practitioners. But I speak of an orator who can support his cause, not only by the mere organs of his voice, but with every thing that can do it service. I therefore

fore would not have him at a loss, even if he is called upon to speak within the hour; nor would I have him a novice in any part of practice. Supposing a general is active and valiant in battle, and that he could do his duty extremely well in the field, after the order of battle is drawn up, but neither knows how to levy men, nor to march, nor to exercise troops, nor to provide convoys, nor to encamp his army to advantage; could we call such a man a proper general? For surely he must prepare for war before he can carry it on. Just such is the advocate who must be obliged to others for a great part of that information that is necessary for his success; and such an advocate is the more to blame, because the necessary qualifications he wants are more easily attainable, than is generally imagined by those who consider them only at a distance.

For all positive right is determined either by a written law or usage. Whatever is doubtful must be tried accordingly by the evidence of antiquity. As to laws that are either written or turn upon use and custom, there can be no matter of difficulty, for they do not require invention, but inspection only. With regard to those points that are referred to the opinions of lawyers, they either turn upon the sense of words, or the difference between right and wrong. As to the former, it is the business of every man of sense, but of an orator more especially, to know the signification of words; and equity is understood by every man of virtue. Now, my aim is to unite those two characters together in an orator. If then he shall undertake any thing which he knows to be well founded in natural justice, he will not be at all surprised, if the common lawyer shall differ from him in opinion, especially as he knows that it is no unusual thing for them to differ amongst themselves, and for each to maintain

his own opinion. But an orator needs only to read, (and that sure is the easiest part of study) in order to make himself master of all their different opinions. But what am I saying? Many who have despaired to succeed as orators, have humbly contented themselves with professing common law;* how easy is it for an orator to learn that, in which they who cannot be orators may excel?

Marcus Cato, however, was a most excellent speaker, and at the same time a very able common-lawyer; and the two great common-lawyers, Scævola and Servius Sulpitius, were excellent orators. Cicero, during all his practice as an orator, was so far from neglecting the study of the common law, that he began to compose somewhat on that subject; and from thence one may see that an orator may, in the course of his practice, find time not only to learn, but to teach the common law. But let no one think that I am to be blamed for laying down rules for an orator's manners, or for his studying the common law, because many have been known to be so disgusted with the fatigue of studying eloquence, that they have fled to those amusements as I may call them, rather than studies. Some of them have applied merely to be bawlers of forms and word catchers, and pettyfoggers, qualifications which they pretend to be useful, though they follow them only because they are easily attainable. Others sink to a loftier pitch of indolence, by putting on all at once a sour look, and wearing a great beard, as if despising the rules of eloquence; then resort a little while to the schools of philosophers, seem demure in public, while they are dissolute in private; and thus, by an arrogant contempt of all others, they

* The civil law, as I have elsewhere observed, was the common law of Rome, and indeed ought to be so translated, when mentioned by any Roman author.

court

court respect. But philosophy may be counterfeited; eloquence never can.

CHAP. IV.

THAT THE KNOWLEDGE OF HISTORY IS NECESSARY TO AN ORATOR.

A CHIEF part of an orator's business is to be furnished with plenty of precedents, both ancient and modern. He ought to be master, not only of historical incidents, but of those traditionary circumstances that are daily handled at the bar; nay, he ought not to neglect an acquaintance with the most eminent poetical fictions. Historical precedents have great weight, as being so many evidences; nay, decided cases, and traditionary or poetical matters, are revered for their antiquity, or are looked upon as invented by great men to supply the place of precepts. Let an orator, therefore, be well furnished with all. For, as Homer very often says, old men gain authority by being thought to know, and to have seen, more than others. But we are not to wait for old age in order to acquire this authority; for it is peculiar to the study of history, that it gives us as much knowledge of past things as if we had lived in the times when they were transacted.

CHAP. V.

CONCERNING THE MEANS OF BEING AN ORATOR.

Of Presence of Mind.—Assurance.—The natural Means.

SUCH are the means, not as some think of the art, but of the artist, which I had promised to speak of.

of. Such are the arms he ought to have at hand ; such is the knowledge with which he ought to be prepared, together with a readiness and copiousness of expression both in words and figures ; the principles of invention, the art of dividing, strength of memory, and gracefulness of action. An orator has great advantages if he possesses a presence of mind undaunted by fear, untterrified by clamour, and never carrying his complaisance beyond that just reverence which is due to his hearers. For, as arrogance, rashness, impudence, and pride, are detestable in an orator, so he can reap no advantage from his art, his study, nor indeed from his acquirements, unless he has resolution, assurance, and fortitude. It is like putting arms into the hand of an infant or coward. By Heavens! what I am going to say, I speak with regret, because it may admit of a wrong construction ; but I have known modesty itself, that amiable weakness, and the parent of so many virtues, when carried too far, sometimes hurt an orator ; and I have seen many instances, where great abilities and valuable acquirements, by want of exercise in public, have wasted away by a kind of canker and rust they have contracted by disuse.) But the reader, who perhaps is not quite master of the force and significancy of certain words, is to understand, that I am not speaking so much of modesty as of bashfulness, by which I mean, that fear which hinders a man from exerting himself as he can and ought, and which renders himself first confused, then disconcerted, and at last silent. Am I then to be blamed for ranking amongst the blemishes of eloquence, a quality, which makes a man ashamed of doing what is right? But, on the other hand, I am for having every man, who is to speak in public, rise from his seat with visible concern, even change colour, and appear apprehensive of his danger.

Nay,

Nay, if he is not so in reality, he ought to pretend that he is. But I would have all this proceed not from fear, but from knowledge. I would have him affected, but not daunted.

But the best cure for bashfulness is self-assurance; for the testimony of a good conscience gives assurance to the most downcast forehead. As I have already observed, there are likewise certain natural means or advantages, which an orator may improve by care, such as the voice, the lungs, and gracefulness of person; which are of such efficacy that we have often known them preferred even to abilities. In my own time, I have known better orators than Trachallus; but when he spoke, he far outshone all his equals. So majestic was his presence, he had such meaning in his eyes, such dignity in his look, and such expression in his gestures. As to his voice, it did not, as Cicero requires, approach to that of an excellent actor, for it excelled the voice of the best actors I ever beheld. I remember, when he pleaded before the first court in the Julian Hall, while all the other courts, as was usual, were sitting, and full of pleaders speaking at their bars, he was seen and heard over them all; nay, applauded by all the four courts, to the no small mortification of the other pleaders. But this excellency is more than we can reasonably hope for, and seldom happens. Yet when it does not, a speaker is to do his best, so as to be heard and understood where he speaks. An orator, I say, ought to aim at this, and be able to compass it.

CHAP. VI.

AT WHAT AGE A PLEADER SHOULD BEGIN TO PRACTISE.

As to the time of life in which an orator is to begin to practise at the bar, that can only be determined according to the party's capacity. I shall not therefore fix it to any number of years, since we know that Demosthenes, when he was very young, pleaded against his own guardians; Calvus, Cælius, Pollio, long before they were twenty-seven years of age, and we have heard of those who have begun before they were twenty. We are told that Cæsar Augustus, when he was but twelve years of age, pronounced a funeral oration, before the rostrum, in praise of his grandmother.

In my opinion, a certain mean is to be observed. The fruits of genius ought not to be plucked while they are yet green and sour. The young man, who steps too early into life, is apt to entertain a contempt for study, and to lay an early foundation for impudence; and (which of all errors is the most pernicious) to over-rate his own abilities. On the other hand, we ought not to put off our apprenticeship till old age. For diffidence and difficulties increase through time. And while we are deliberating when we are to begin, it becomes too late to begin at all. Let us, therefore, taste the fruits of genius from the tree, while they are yet in full verdure and flavour. Great allowances are made, and great hopes are conceived, of a young man. In him a little forwardness is not unbecoming; his defects may be supplied by years, and every youthful exuberance is presumed to proceed from the overflowings of genius. Witness the following beautiful rhapsody in Cicero's pleading

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pleading for Roscius, "For what can be so common as air to the living, earth to the dead, the sea to the floating, or the shore to the outcast?" This passage, which was pronounced when he was but six and twenty years of age, was received by the hearers with vast applause; but he himself tells us, that time mellowed down all those ebullitions, and that the more he advanced in years, the more sensible he was of their impropriety.

Now to say the truth, however particular studies may improve a man, it is certain that he has peculiar advantages from frequenting the bar. Here he sees things in a new light; here he beholds what it is to encounter real dangers, and were learning to be separated from practice, the latter would do more by itself than the former could. | Therefore some who have grown old in teaching, are mere novices in pleading; and when they come into a court of justice, they are quite at a loss whenever a cause presents that is different from what they have been used to declaim upon. Meanwhile the judge is silent, his adversary plies and presses him, and takes advantage of the smallest blunder. If he lays down a proposition, he is put upon proving it, and the time prescribed him is out, before he can get half through the oration that has cost him many painful days and nights to compose. Nay, oftentimes he has no occasion for displaying any pomp of eloquence, he needs only to speak it in a plain intelligible way; but that is what those very eloquent gentlemen are unable to do. For which reason you may find some of them who think all pleading to be a disparagement to their eloquence.

Meanwhile, the orator whom I am now training from his earliest years, whom I have introduced, though young and tender to the bar, ought to make his first essays in easy plausible causes, as we see
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even brutes nourish their young with tender food. Not that I would have him to subsist so long upon such nourishment, that he becomes confirmed in a puling habit; no, I would have him fortify and prepare himself for real encounters, after he knows their nature, and to what point he is to direct his abilities. By this means he will escape all that bashfulness so natural to young beginners; because he will find it easy for him to aspire higher: neither will he carry his confidence in himself so far as to despise study. Cicero himself observed this conduct; for even after he had distinguished himself amongst the greatest pleaders of his age, he performed a voyage to Asia, where he was, as it were, recast and remoulded at Rhodes by Apollonius Molo, whom he had studied under at Rome likewise, though he had doubtless studied under other professors both of eloquence and philosophy. Thus something very great is always the result, when theory and practice are united.

CHAP. VII.

WHAT AN ORATOR IS TO OBSERVE WHEN HE UNDERTAKES A CAUSE.

AFTER an orator has fully qualified himself for any encounter at the bar, his first care ought to be about the nature of the causes he undertakes. Here a virtuous man will chuse rather to defend than to prosecute. He is not however to hold the name of prosecutor in such detestation, as that no duty either public or private, can induce him to call a wicked man to account for his actions. For laws themselves are of no effect, unless they are properly enforced at the bar; and suffering wickedness to go unpunished is next to permitting it. Not to mention
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that every indulgence of guilt is an injury done to innocence.

For this reason, our patriot orator will not suffer the complaints of our allies to pass unnoticed, nor the death of a friend or a relation to be unrevenged. He will crush every conspiracy that is hatching against his country ; and though he has no delight in punishing offenders, yet he will think it his duty to correct the vices and reclaim the morals of mankind. When reason has no influence in keeping men to their duty, the only check upon them is fear. Therefore a man who takes up the trade of impeaching, and prosecutes merely as he is paid, is next to a robber on the high-way. While on the other hand, he who delivers his country from an inbred pest of society, is to be ranked with the noblest patriots, who have acted in defence of public liberty. For this reason, the greatest men of the Roman republic have not refused to act as prosecutors, and when our most illustrious youths brought their wicked countrymen to justice, such impeachments were considered as so many pledges of their patriotism, because it was presumed that nothing but the boldness which attends a good conscience could have prevailed with them to arraign the guilty, or to draw powerful enemies upon themselves. Impeachments, therefore, have been carried on by Hortensius, the Luculli, Sulpitius, Cicero, Cæsar, and many others, as well as the two Catones, the one of whom was called wise, and if the other was not wise, I know no man on whom we can bestow that title with justice.

Every orator if he could would be on the defensive, and open his eloquence as a harbour to give refuge to the innocent, but not as a shelter to pirates. And nothing should prevail upon him so much to undertake a cause, as the nature of it can do. As one orator, however, is not sufficient to speak for all

in all plausible causes (for they are very numerous), he is to give the preference to recommendatory circumstances, especially if they come from the judges; but still with regard to the superior merit and character of those who recommend. For the orator himself being a man of merit and character, will undoubtedly have many such among his friends. But above all things, an orator is to avoid every kind of partiality; for he is neither to hire out himself to the powerful against the poor, nor is he to value himself upon the worthless ambition of making the poor kick against the rich. For fortune can have no hand in making a cause either good or bad.

If an orator shall undertake a cause upon a presumption that it is a good one, and if upon examination he shall find it to be bad, he ought never to be ashamed of dropping it, after telling his client his real opinion of it. For it is one great point of an orator's duty if I am any judge of the matter, not to deceive his client with vain hopes, and a client is not worthy to be served by an advocate, if he does not follow his advice. And nothing can be more certain than that it is unworthy of the orator whom I want to form, knowingly to maintain an unjust cause. For if for the reasons I have already mentioned, he shall deviate from the truth, yet still he will be justified by his intention.

It might not be improper to enquire, whether an orator ought never to take any reward for his pleading. But indeed it would be mere impudence to give a hasty judgment on that matter. Nobody can be ignorant that it shows a great deal more dignity, that it is more suitable to the honour of the liberal arts, and to that exalted character which I have formed of the profession, for an orator not to let his abilities out to hire, or to prostitute the worth of a blessing so precious as eloquence is. Especially as
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the world is apt to despise every thing that is venal. This, if I may so speak, is plain, even to the blind. (And if an orator has but a competency for himself, it is shameful for him to practise his art for gain. But if his private affairs require that he should be supplied with the necessaries of life, he may, according to all the rules laid down and practised by the wisest of men, accept of a gratuity.) Socrates himself accepted of money, in order to support life. Zeno, Cleanthes, and Chrysippus, took fees from their scholars. For my own part, I know no gain more honourable, than that which arises from a noble profession, and comes from those, whom we have highly served, and, who, were they not grateful enough to make a return, would be unworthy to be defended. This, I think, is not only just, but necessary, especially, as, by devoting to the service of others all our labour and all our time, we preclude ourselves from any other means of getting money.

But here, likewise, a mean is to be observed. And a great consideration arises from whom, how much, and for what purpose, an orator takes money. As to the piratical manner of bargaining beforehand, and, as it were, ransoming a party, according to the danger he is in, the practice is an abomination, and a pleader of even an indifferent character disdains it: especially, as there is no fear, that an orator will not be suitably requited when he defends worthy men, and undertakes good causes. But supposing he is not, let the blame lie upon them rather than upon the orator. An orator of reputation, however, will never extort a gratuity; and, even though he is poor, he will not receive it as a hire, but as a mark of his client's gratitude for much more important services; and which he receives in that manner, because it is unfit that so great a blessing should
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either be prostituted or forgotten. In short, the person who is most obliged ought to be most grateful.

CHAP. VIII.

HOW AN ORATOR IS TO BE INSTRUCTED IN A CAUSE.

An Orator is to be fully instructed in every Cause he undertakes—must be patient and circumstantial—and put himself in the place of the Judge.

I AM now to speak concerning the instructions of an orator, which serve for the foundation of his pleading. We cannot suppose a speaker to be so weak, as not to be able, after he is fully master of a cause, to instruct a judge in it likewise. And yet, that is a matter to which very few attend. Some are so very careless that they never mind the essential point of a cause, provided they have room to expatiate upon persons and characters, and to show their parts in running out upon curious debateable topics. Some are vain enough always to pretend to be in a hurry of business, that requires immediate dispatch, and desire the party to bring them their instructions the day before, or perhaps, the morning of the day, in which they are to plead. Nay, some have boasted that they received their instructions in the court. Others are so vain of their genius, that they pretend to comprehend a thing in the twinkling of an eye, and that they are thorough masters of it, almost before they hear it; then go to the bar where they mouthe and flourish away in terms that are foreign both to the judge and the parties; and after being well sweated, they strut out of the forum, attended with a numerous train of flatterers.

I am likewise disgusted with the delicacy of those,
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who throw upon their friends all the trouble of being instructed. This abuse, however, is more tolerable than the others provided those friends inform and instruct them fully. But who is so proper to receive instructions at the first hand as the pleader himself? Can we suppose that this go-between, this man-midwife of causes, this reporter of instructions, will apply himself heartily and earnestly to serve a cause, in which he is not to plead.

But of all practices, the most pernicious is, for an orator to be contented with a brief, or written instructions drawn up by the party himself, who employs him as an advocate, because he cannot plead his own cause; or else composed by one of those advocates who profess that they are incapable of acting at the bar, and yet pretend to execute the most difficult part of an orator's business. For is not the man who can judge of what is to be said, of what is to be concealed, evaded, altered, or invented, to be considered as an orator, when he goes through the most difficult part of the profession? And yet, such briefs would not be so hurtful, if they contained nothing but matters of fact. But their composers interlard them with motives and pretexts, nay, palpable falsehoods, to all which, the orator generally attaches himself scrupulously and religiously, as a school-boy does to the words of his theme. What is the consequence of all this? The falsehoods they advance are detected, and the first word of the truth they hear, is from the pleading of their opponent; so dangerous it is to take instructions upon trust.

A man of business, therefore, in this profession, ought, above all things, to enjoy the freedom both of time and place; and to be very particular in desiring his client to open to him every circumstance of the cause, however verbosely or awkwardly he goes

goes about it. For the consequence of hearing what is superfluous is not so bad, as that of not hearing what is essential. And it often happens, that an orator finds out both the danger and the remedy in circumstances that appear very immaterial and indifferent to the party. Neither is an orator to trust so much to his memory as not to write down what he hears.

Once hearing is not sufficient to instruct a pleader; he should oblige his client to tell his story over and over again, not only because a man, especially, if he is not quick of apprehension and memory, is apt to omit something at the first stating of his case, but because we can thereby the better judge, whether he persists in the same account. For a great many clients disguise the truth of their cause; they speak, not as if they were stating it, but pleading it; and talk with their advocate as if he was their judge. We, therefore, can never be too careful as to our instructions, and we are to make use of all arts in sifting, cross questioning, and boulding the truth of a party. For, as it is the business of a physician, not only to cure disorders that appear, but to cure them even before they appear, when they are perhaps concealed even to the patient himself; in like manner, an advocate ought to know more than is told him.

Thus, after he has heard every thing patiently and calmly, he is to assume a quite different character, even that of the opposite party; he is to set forth whatever he can think will make against his client, and whatever can possibly happen in a debate of that kind. He is to examine his client with sharpness and earnestness; for when we search into every, even the most minute circumstance, we sometimes come to the truth when we least expect it. In short, an orator can hardly be too incredulous:

for every thing goes smoothly on with the client; the fact is notorious; all the world is on his side; he has the strongest proofs for what he advances; nay, his adversary will not contradict great part of it.

For this reason, an orator ought to see, nay, to examine all the written evidences of a cause. For very often they are quite different from what a party represents them, or they do not come up to what he says, or they are clogged with certain clauses that defeat them; or, perhaps they say too much, and lose all credit by their extravagance. Nay, very often we discover in a writing some erasure, a counterfeit seal, or a wrong designation; unless we examine all this before we come to the bar, they will ruin our cause. For it does us more hurt to be obliged to give up an evidence, which we once mentioned, than not to have mentioned it at all.

An able pleader, likewise, may make a great deal out of circumstances, which a party may think foreign to his cause, by going through all the topics I laid down when I treated of argumentation. It is true, for reasons I have already given, that it is improper for him to enter into such a disquisition, or minute examination, while he is at the bar; but while he is receiving his instructions, he will find it necessary to search to the bottom, all circumstances of persons, times, places, motives, evidences, with whatever can enter into a cause, because, out of them, he cannot only for his artificial reasoning, but he becomes a judge of what is most likely to hurt him in the proof, and how it is best to be guarded against. For it is of great importance for an orator to know whether a party is envied, hated, or despised. The first generally happens to the powerful, the second amongst equals, and the last is the lot of inferiors.

A pleader

A pleader having made himself master of his cause, and being fully apprised of every thing that can serve or disserve it, ought then to assume a third character, I mean that of the judge, by supposing the cause to be tried before himself. He is then to consider how he himself would be affected, and by what arguments he might be induced to pronounce sentence in his client's favour; and then he is to conclude, that the same inducement will be as powerful with another; and to proceed accordingly. By making use of such precautions, if he has an equitable judge, he seldom will be deceived in the event of a cause.

CHAP. IX.

WHAT AN ORATOR IS TO OBSERVE IN PLEADING.

Utility always to be preferred before any other Consideration——
 Cautions against the Pride and Petulance of Orators——Care-
 fulness recommended.

THE whole purpose of, almost, all this work has been to lay down rules for pleading. It is, however, in this place requisite for me to say somewhat, not so much upon the art, as the duties of a pleader. Above all things, therefore, I recommend it to an orator to avoid that common mistake of sacrificing utility to applause. For as in war, the march of soldiers is not always through champaign countries and flowery fields; for they are often obliged to climb steep mountains, to storm cities, perhaps situated upon rocks high and craggy, and to perform other painful duties; in like manner eloquence is pleased with a free, a gay career, she loves to display her captivating charms in flowery fields and pleasing paths; but if she should be obliged to en-
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enter the thorns of law, or to trace the truth through puzzling mazes, we will cheerfully obey; will no longer brandish the sparkling period, or striking sentiment, but proceed by intrenching, ringing, ambuscades and surprises. All these arts make indeed no show when they are employed, but are greatly commended when they succeed. And from thence, it happens, that those who hunt the way for glory, do generally the most service to their clients. For when their flatterers have thundered with all their applause, and when the periods cease to flow, then truth and merit re-assume their powers, and become too strong for empty adulation; the judges do justice to the merit of the able pleader; skill is rewarded, and indeed it is ill-judged praise that is bestowed upon a speaker, before his pleading is at an end. In former times, a skilful pleader used even to conceal his powers of speaking, and Cicero makes Marcus Antonius recommend this manner, because it gains most credit with the hearers, and renders the arts of an advocate less liable to suspicion. But, in those days, it was easy to conceal eloquence, for as yet she had not acquired such a size of glory as to dart through all opposition. An orator, at present, however, ought to conceal all his craft and cunning, and every thing that must hurt him, if discovered. The eloquence I am now speaking of has its mysteries. But a careful choice of words, justness of sentiment, and elegance of figures, must appear, if they exist; and because they necessarily appear, they should not be ostentatiously displayed. But, if an orator is forced upon an alternative, he should chuse that his cause should be commended rather than himself. And, indeed, this is the business of an excellent orator, by his eloquence, to recommend his cause to success. One thing is certain, that no man pleads with worse success

cess than the man who charms us in a bad cause ; for every beauty of his expression and action must be foreign to his cause.

An orator is not superciliously to reject all causes of small importance, as if they were below him, or as if his merit would be depreciated by being concerned in little matters. For a man's duty always justifies him in undertaking a right cause, be it ever so trifling ; though he should wish his friends to be concerned as little as possible in such causes ; every pleader, however, does his duty, if his exertion is suited to his cause.

But some who are engaged even in trifling causes adorn them with foreign flowers and flourishes ; and rather than not make a figure, fill up the vacuities of their pleading with personal abuse. No matter whether the party deserves it or not, all he aims at is to display his wit, and to draw peals of applause from the hearers. But this is a practice I think, so far inconsistent with the character of a complete orator, that he ought to shun all abuse, even though a party may deserve it, unless his cause absolutely requires it. For as Appius says, he is a canine orator, who is always barking and snarling, and beaten for it like a dog. They who do this seem to declare war against all the world, and to be ready to swallow every indignity in their turn. For they are generally repaid in a plentiful return of abuse, and thus the poor client may suffer through the petulance of his advocate. But there is something still more disgraceful in the vice itself ; for the man who can say a scandalous thing only wants an opportunity to do one.

The pleasure of abuse is as detestable as it is inhuman ; it can give no delight to the hearer, though some parties who want rather to be revenged than defended, often require it of their advocates. But this is one of the many things in which a client's
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humour is not to be indulged. | For what gentleman, what man of spirit will, to gratify another person, be obliged to do the drudgery of personal abuse? Nay, I have known some go so far as to take a pleasure in railing at the advocates of the other party. Now unless they have deserved this the practice is I think inhuman, if we only consider the common duties of their profession, and indeed does hurt to themselves, and disserves their cause, by rendering their opponents (who have a right at the same time to return the abuse), their personal enemies; while the outrage encreases in proportion to the abilities of the two pleaders. But the worst is, that this manner destroys all that character of modesty which gives such weight and credit to an orator; for he degrades himself from being a gentleman into a scold and a snarler, and he suits his language not to win the attention of the court, but to gratify the resentments of his client.

I have known it often likewise happen, that this liberty has been so indecently and so rashly exercised as to endanger not only the pleader's cause, but his person. And, indeed, it was not without reason, Pericles wished that no expression might ever pass his lips that could disoblige the people. But what he said of the people, I extend in general to those hearers whom we may wantonly provoke. For those expressions which appear free and strong, when they are pronounced, become idle and foolish when they offend.

Now, as almost every orator attaches himself to a particular manner of pleading, as the carefulness of one is considered as the effect of dullness, and the promptness of others of temerity, I think it may be proper here to state the mean which an orator is to observe. | Let him therefore employ on the cause he undertakes all the attention he can. For an orator

tor who does not do as well as he can, incurs the imputation not only of negligence, but of wickedness; for he is to be looked upon in no other light than a traitor to the cause he undertakes. And for that very reason he ought not to undertake more causes than he knows himself able to plead to advantage. He will as far as circumstances will admit of, say nothing that he has not written down, nay, as Demosthenes says, engraved to give it the stronger impression. This is practicable in the first pleading, or when a solemn hearing is re-assumed after an adjournment. But it cannot be done, when we are obliged to answer off hand; nay, I have known sometimes a man who was a little slow of apprehension, hurt by what he had wrote, when any new matter unexpectedly occurred. For it is with regret that they are obliged to deviate from what they had prepared; and during the whole time of their pleading, they are still as it were looking behind them, and searching for some place where they can insert what they have omitted, and for a vacancy where it can be partly introduced. If they do not succeed in this, their whole pleading must resemble an ill-joined piece of work, in which even a difference of colours is easily discernible. Thus in such a speaker all freedom is fettered, and all correctness inelegant; and the one quality destroys the effects of the other; because what he has written does not direct but hamper him. In such pleadings, therefore, an orator, to use a homely phrase, ought to stand on both his legs; for as almost every cause consists in alledging and confuting, the former part may be reduced to writing, nay, when we know (which is sometimes the case), our opponent's objections, we may have recourse to the same method.

In other respects, it is always in our power to endeavour to make ourselves complete masters of the cause;

cause; and to pay a perfect attention to what is advanced by the opposite party. Upon the whole, we ought to consider and premeditate every circumstance, and to be prepared against all events and objections. This is most safely done by writing. For thereby we can most readily admit or transpose a thought. But the orator, to whom study and practice gives power and ease in speaking, never can be surprised or confounded in any emergency, supposing him to be called upon to speak extempore, or upon whatever occasion may occur. Such an orator will always be prepared, will always be armed and ready, and will be no more at a loss for language in pleading, than he is to express himself as to the common ordinary concerns of life. He never, therefore, will shrink from the burden upon that account; and provided he is fully master of the cause, he can always command every thing else.

CHAP. X.

CONCERNING STYLE.

Variety of Style in Speaking—Painting—Statuary—Great Masters in the fine Arts—Roman Authors characterised—Cicero preferred and defended—Of different Styles—Disadvantage and Poverty of the Latin Language—To be compensated by Sentiments and Figures—An Apology for the Ornaments of Style—The different Manners of Speaking.

I AM now to speak of style, the third topic I proposed to treat of in my first division, wherein I promised to speak of the art, the artist, and the work. But as speech is the joint result of the art and the artist; and, as I shall show, its forms are various, the art must concur with the artist in effecting it. Yet there is great difference of style. For it may
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not only be different in its species, as one statue, or one picture differs from another, but it may differ even in the kind, or, what we call, the manner. Thus, in statuary, the Grecian manner is different from the Tuscan; and the Asiatic eloquence from the Attic. But, all those works have their different admirers as well as authors. This is the true reason why we have hitherto seen no such thing as a perfect orator. Nay, I am not sure if there is such a thing as perfection in any art, both because one artist is more complete in one expression, and another in another; but because no style has yet been found out that is agreeable to all mankind. This is owing partly to the circumstances of time and place, and partly to private prepossessions and opinions.

Polygnotus and Aglaophon are the first painters, who had other merits besides that of antiquity to recommend their works; their colouring, though extremely simple, I may say insipid, and no more than the first essays towards an improveable art, has its admirers, who prefer it to that of the most capital painters who succeeded them. But this, in my opinion, is merely owing to the affectation of a singular taste. They were succeeded a few years after, about the time of the Peloponnesian war, (for Xenophon introduces one of them conferring with Socrates) by Zeuxis and Parrhasius, who made vast improvements in the art of painting. The former is said to have been the first who invented the proper dispositions of light and shade; and the second, to have been the most correct designer. For Zeuxis gave great relief, and large proportions to every limb and feature, and this, he thought, added to the grandeur and majesty of painting, in imitation, as is said, of Homer himself, who describes even his women of as large a size as is compatible with a delicacy of person. But Parrhasius, was so correct and exact
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in his designs, that he may be termed the legislator of painting; because his figures of gods and heroes are so many models from which latter painters have not dared to deviate.

Down to the days of Philip, and even so low as the time of the successors of his son Alexander the Great, painting continued to flourish, but in different styles. Protogenes excelled in correctness, Pamphilus and Melanthius in judgment and disposition, Antiphilus in ease, Theon of Samos in beautiful ideas, and Appelles in his favourite character of giving gracefulness and meaning to his figures. But Euphranor, of all others, was the most admirable artist; for he distinguished himself by uniting the manners of the most excellent performers, and was equally wonderful in statuary as in painting.

The observations I have made upon painting hold with regard to statues. The manner of Calon and Agesias was almost as hard as that of the Tuscans. Alcamenis is more free, and Myron approached nearer to life than all of them. Polycletus excelled in correctness and gracefulness, and, though he is generally allowed the preference over all other statuary, yet some think that he wanted propriety to render his works finished performances; because, though he gives to his human figures a gracefulness that is not to be found in nature, yet he seems not fully to have expressed the majesty of the gods. Add to this, that he appears to have been afraid of attempting aged figures, and confined himself entirely to the youthful time of life.

But where Polycletus might have been deficient, Phidias and Alcamenis succeed. Phidias was more excellent in his statues of gods than of men; but his executions in ivory admitted of no rival; had he performed no more than the statue of Minerva at Athens,

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or that of the Olympian Jove at Elis, which was so beautifully executed, that it is said to have increased the devotion of its votaries; so that this great master's work equalled our highest ideas of Divine Majesty.

Lycippus and Praxiteles are said to have approached nearest to nature. As to Demetrius, he is thought to have been too scrupulously attached to it, and was more fond of resemblance than of beauty.

To apply what I have been saying to eloquence: If in that we examine the differences of genius, we shall find it as various as a human figure. Now the time was, when eloquence, though uncouth and unseemly in appearance, exerted great force of genius in her expression! Then succeeded the Lælii, the Africani, the Catones, and the Gracchi, who, in eloquence, were the same as the Polygnoti and the Calonæ, in painting. In the middling kind may be ranked, Lucius Crassus and Quintus Hortensius, But soon after appeared, almost, a continued succession of great speakers. This period produced the strength of Cæsar, the genius of Cælius, the delicacy of Callidius, the sense of Brutus, the acuteness of Sulpitius, the vehemence of Cassius, the correctness of Pollio, the dignity of Messala, and the purity of Calvus. To them succeeded my own cotemporaries, Seneca in copiousness, Africanus in power, Afer in ripeness, Crispus in delight, Trachalus in delivery, and Secundus in elegance.

I have forborne to mention Cicero, for he did not, like Euphanor, in painting, unite the distinguishing characters of all other speakers, but he excelled them in their highest perfections; yet this great man was attacked, even by his own cotemporaries, as being too bombast, too Asiatic, and too redundant a speaker. They tell you, that his repetitions are surfeiting, that
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his wit is sometimes insipid, his compositions enervate, unequal, and (I should be sorry were there any grounds for the charge) too effeminate, and too spiritless for a man. But after he perished under the triumviral proscription, his memory was attacked by all who hated, who envied, and who rivalled him, in conjunction with the creatures of the powers then in being.

But this great man, whose writings some now think to be jejune and tasteless, was never attacked by his enemies on any other pretence than the exuberance of his genius, which, they said, was too profuse and florid. Both charges are false, but the latter has the greatest colour of truth. The most dangerous enemies, however, to his reputation, were they who affected to imitate the attic style. This band, as if they had entered into a solemn confederacy, attacked Cicero, as being a foreigner, as devoted to a sect of his own, and following particular rules, in despite of atticism. Such were the men who dignified their infirmity with the title of health, though nothing can be more different; and, being themselves dry, sapless, and spiritless writers, skulk under the shade of Cicero's great name; while they are dazzled, as with the sun, by the mighty blaze of his eloquence. But, as he himself has given them a full answer, in many parts of his works, I shall be the more justified in saying but a very little upon this head.

The distinction between the Asiatics and the Attics is of an old standing: the latter affected to be close and concise, and the other were blamed for an empty, bombast manner. In the one, nothing was superfluous, and the other wanted taste and judgment. Some, and Santra among the rest, think that this is owing to the gradual prevalence of the Greek tongue over the states of Asia, the inhabitants of which were too little acquainted with it to be elo-

quent; and therefore, when they could not express themselves with propriety, they made use of circumlocutions, and have continued to do so ever since. In my opinion, however, the difference is owing to the constitutions of the speakers and the hearers amongst both people. The Attics, or the Athenians, were naturally polite and correct, without any thing about them that was empty or redundant. But the Asiatics were a swaggering, vapouring, kind of people, and those characters likewise infected their language.

A third manner, but partaking of both I have mentioned, was the Rhodian, which seems to have split the difference; for, without the Attic conciseness, or the Asian exuberance, it possesses a mixture of the people's, and its author's properties. For Æschines, who chose this as the place of his exile, imported thither the Athenian arts, which, like certain vegetables that degenerate when they are transplanted, imbibed a foreign flavour, when removed from the Attic sun and soil. They were, therefore, smooth and easy, but not without weight, and resembled gentle, standing pools, rather than clear rills, or foaming torrents.

There can, therefore, be no doubt, that the Attic manner is by far the most excellent. The authors who have wrote in it, have some properties in common to all of them, such as penetration and neatness, but they differ vastly in genius; therefore, I think, they are greatly mistaken, who confine the character of Atticism to conciseness, perspicuity, and signifi-
cancy, but make it very sparing of ornamented eloquence, and strip it of every power of action. To what Attic author is this character applicable? To Lysias? For he is the standard set up by the professed admirers of this Atticism. I am glad, however, that we are not carried back to the times of Coccus
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and Andocides. Meanwhile, I should be glad to know whether Isocrates wrote in the Attic manner? Yet nothing can be more different than his manner from that of Lysias. This surely cannot be denied. For in his school the greatest of the Athenian orators were bred.

But let me look out for some one that comes nearer to that standard. Hyperides of Athens undoubtedly was he, and yet his style is florid and ornamented. I shall omit to mention others, such as Lycurgus, Aristogiton, and Isæus, and Antiphon, who lived before them, each of which possessed a different species of the same kind of eloquence.

But what shall I say of Æschines, whom I have just now mentioned? Is he not more free, bold, and sublime than all of them? Or of Demosthenes? Does he not excel all those neat, spruce, gentlemen, in force, elevation, fire, ornament, and composition? Has he no loftiness of sentiment? No beauty of figures? No brilliancy of metaphors? Does he not give voice and animation to lifeless objects? And does not his noble oath, when he swore "by the shades of those patriots, who died at Marathon and Salamis," sufficiently declare, that Plato was his master? Shall we say, that great philosopher partook of the Asiatic manner, though his writings seem to have been divinely inspired? What is the character of Pericles? Can we suppose his eloquence to have been as thin and simple as that of Lysias, when even the poets, who abuse him, compare it to lightning and thunder?

Why, then, do some writers appropriate the Attic manner only to those, whose genius, like a slender rill, trickles and murmurs through small, smooth pebbles? Why should they say, that such alone sip Athenian fragrance from the thyme of Hymettus? It is my opinion, should those gentlemen discover,

in the territory of Athens, a rich field, or a fertile soil, they would deny it to be Athenian, because it repays more grains than it receives, contrary to the punctuality which Menander, in joking, ascribes to that ground.*

Let me suppose an orator to arise, who shall, to all those powers of speaking which Demosthenes possessed, add all that was defective in that great man, either through his own nature, or through the constitution of his country. Let me suppose such an orator to exert a greater command over the passions, and to do more execution, than Demosthenes ever did; I think I see one of those critics shake his head and tell us, "Demosthenes would not have spoken so." Supposing, if it is possible, that the same orator's periods are more flowing and harmonious than those of Demosthenes were, I think, I hear him gravely pronouncing, This is not the Attic manner. For shame! let us do more justice to that noble epithet, by believing that, to speak in the ATTIC manner, is no other than speaking in the BEST manner.

I can bear with a Greek, though he is under the delusions I have mentioned. For, with regard to Latin eloquence, it seems to be entirely founded upon the plan of the Greek, as to invention, disposition, conduct, and such other properties; but it falls so greatly short of it, in point of elocution, as not to admit even of imitation. The Greek language has something in it that is musical in the sound; and we are without two† of the sweetest letters, the one a vowel, and the other a consonant, though we are obliged to borrow them whenever we make use of

* There is a great deal of justice in what our author observes here: and can it be too much considered by the admirers of that tasteless, insipid correctness, so much recommended by the French Academy, and which cloaks all poverty of genius and composition?

† Meaning the (u) and the (i).

their proper names. When that happens, it gives our style an inexpressible chearfulness; witness the words *zephyrus* and *zophyrus*, which, when written in our characters, have a dull barbarous sound, and throw a gloom over the style; which is not the case of the Greek elocution. For the (f) which is the sixth letter of our alphabet, has, what I may call, an inhuman sound, or rather no sound at all; for it is no more than a whistle through the teeth; if it goes before a vowel it is no more than a quiver of the lips, and it makes a fracture* of all harmony when it precedes, first a consonant, and then a vowel, in the same syllable, or falls in with other consonants. As to the Æolic letters, of the digamma, we have indeed discarded them, but, in fact, we still pronounce† them. Our letter (q) likewise gives a harshness to a syllable, and it is of no manner of use but to connect two following vowels, as in the words *equity* and *equanimity*, where we have a sound which the Greeks had not, and, therefore, it cannot be expressed in their characters. Add to this, that many of our words terminate in that bel-
lowing letter (m) which the Greek does not, for instead of the (m) they make use of the (x) which we very seldom employ in the end of a word; though there it has what we may call a fine silver sound. Our language is under another disadvantage that many syllables rest upon the (b) and the (d) which is so disagreeable, that several of our old (I do not mean our very old) authors endeavoured to soften it

* I have here imitated Quintilian, who gives us an example of what he was saying in the word *frangit*, which falls in with the sense at the same time. Meanwhile I cannot help observing, that there is somewhat pretty whimsical in all his criticism here; unless we suppose, what I believe is truth, that we have actually lost the true manner of pronouncing both languages, the Latin as well as the Greek.

† As in the words *scrvum* and *cervum*.

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by throwing out the (b) as in the word *aversa* for *abversa*, and by saying *abs* instead of *ab*, which must be owned to be no great improvement.

But even in accenting our language we have much less ease and variety than the Greeks; because the last syllable is never raised by an acute note, nor softened by a circumflex, and our cadence always turns upon one or two grave accents. The Greek prose is therefore much sweeter than the Latin, and when our poets want to harmonize their lines, they adorn them with Greek words. But the greatest disadvantage of all we are under, is, that a vast many things cannot be expressed by a single word in our language; so that we are obliged to express them either metaphorically or paraphrastically. And even when we have terms to express a thing, there is in our language such a poverty, that we are obliged to speak the same words over and over again, while the Greeks have great variety, not only of words, but of idioms.

If we are therefore required to speak with the grace and purity of the Athenians, let us first be furnished with the same sweetness and variety of language. But if that is impossible we must make the best use we can of the words we have: let us not dress a tender sentiment in too strong expressions (to call them no worse), for both the style and the subject become ridiculous by being blended together. (Let us supply the poverty of our language by invention and matter; let our way of thinking be noble, and our manner diversified; let us know how to touch every passion of the soul, and to give a lustre to our style by the beauty of figures.) If we fall short of the Greeks in delicacy, let us out-do them in strength. If they excel us in smoothness, let us make amends by weight. If they have more resources of language, let us have more of art. The
language

language of the Greeks is so fortified with rules, as to afford, as it were, roads and harbours that protect even their most ordinary expressions. Let us crowd on more sail ; let us move with more expansion, and a stronger gale of genius. Let us not, however, always keep in the open sea ; for we must sometimes coast along the shore. The Greeks can surmount every shelve and shallow. It is enough for me if my little bark has depth of water sufficient to bring it into the harbour.

The Greeks, it is true, can handle slight and delicate subjects better than we, and in this particular they excel us. For which reason we own their superiority in the drama: yet am I not for abandoning entirely that province ; I am for cultivating it as well as we can. It is still in our power to rival the Greeks in regularity and judgment ; and when our single words want gracefulness in themselves, let us supply it by other ornaments of diction. Behold Cicero, even in treating ordinary subjects, does he fail in perspicuity, in penetration, in harmony, or propriety ? Was not this too the character which distinguished Marcus Callidius ? Were not Scipio, Lælius and Cato so many attic Romans in eloquence ? Can we desire any thing beyond perfection ?

Some think that no eloquence is natural, but the language we make use of in the ordinary occurrences of life, when we talk with our friends, our wives, our children, or slaves ; and confine ourselves barely to express our meaning, without bestowing any manner of care or ornament upon our words. They think that every thing farther is mere affectation and vanity, prejudicial to truth, and no more than mere sounds, invented to disguise words ; the sole property of which ought to be to express our meaning. “ Whatever, say they, does not serve to
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do that, resembles the persons of those wrestlers, who, though they are strengthened by exercise and regimen, have not their natural form, and differ from the human shape. To what purpose, continue they, should we make use of paraphrastical or metaphorical expressions, by multiplying and changing words, when every thing has a denomination of its own?" The same gentlemen then go on to shew that mankind at first spoke merely according to nature, afterwards (but with more caution), they imitated the poets in deviating from her, and that both acted from wrong and mistaken notions, which confounded truth with falsehood.

Such are the arguments made use of upon this occasion, and, it must be owned, they have their weight, and that we ought not to deviate so much as some do from the ordinary, natural forms of speaking. But (as I observed before, when I was upon the subject of composition) why is a man to be blamed so severely for improving the natural barrenness of language, when it is but barely sufficient to express what is necessary for us to say? For my own part, I think that the character of common discourse is quite different from that of eloquence. If an orator had no other business than merely to state a matter of fact or opinion, he would have no great occasion to be very solicitous about the choice of his expressions. But as his profession leads him to give delight and emotion, and to mould the mind of the hearer into various affections, he is justified in taking advantage of those assistancies, which even nature bids him employ. For it is natural for a man to brace his nerves, to improve his strength, and mend his constitution by exercise. For this reason, in all nations, some are more eloquent, and have a more agreeable manner of speaking than others. Were
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not that the case, we should be all upon a level, as to gracefulness and propriety of speech. But we see that mankind in speaking have a regard to character ; from which I conclude, that the more powerfully a man speaks, he speaks the more conformably to nature.

I am therefore not at all against the practice of a speaker accommodating himself to the occasion and his audience, when he is called upon to say somewhat that is more elegant and moving than common. I likewise do not imagine that Cato and the Gracchi imitated the speakers who had been before them ; nor do I think that a modern speaker ought to copy after them. I perceive that Cicero, who always preferred utility, but without neglecting ornament, used to say (and he certainly spoke the truth) that the more delight he gave to his hearers, the more service he did to his clients. Thus we see, that the more he pleased the better he succeeded. Nor indeed do I think that it is possible to add any thing to the beauties of his style ; unless perhaps modern pleaders are more profuse of sparkling sentiments. It is true, if the cause and our own character will suffer it, we may make frequent and continual use of such ornaments ; provided still that they are not so thick set as to choak one another.

But having yielded thus much, I am not to be pushed farther. I am not for having an orator's robes made of the very coarsest of materials, neither would I have him cloathed in flaunting silks. I would have his hair properly dressed, but not curled into ringlets, and stories rising one above another. For, in my opinion, whatever is most decent is most becoming. And our manners approach nearer to true beauty, the farther they are removed from luxury and wantonness. I perceive by Cicero, that quick pointed sentiments were not practised by the ancients,

ancients, especially by the Greeks ; but they undoubtedly are allowable, provided they are connected with the cause, provided they are not too thick set, and always tend to carry the main point: they awaken the attention, they move the mind, they make an impression often at the first touch, though quick, they are permanent, and though uncommon, persuasive.

Some are of opinion, that these striking embellishments of eloquence, though allowable in an oration, ought to be excluded from all other compositions of prose writing. It is, therefore, proper for me to examine this point, because some, even men of learning, have thought that speaking and writing ought to be exercised in very different manners. For this reason, say they, some of the most eminent pleaders, such as Pericles and Demades, have left no composition in writing to posterity ; while others, as Isocrates, though unfit for pleading, excelled in composition. Add to this, exertion does a great deal in pleading ; and we must sometimes venture upon very bold strokes of action and expression ; because, we very often have occasion to move and inform the ignorant and uninstructed. Whereas, whatever is consigned to paper, and published as a model of writing, ought to be correct, polished, and composed in the most finished, regular manner ; because it is to fall into the hands of men of knowledge, who are themselves critics and judges, and performers.

For my own part, I think, that we ought to speak and write upon the same principles, and by the same rules. And a pleading when it is written, is no more than a copy of the same pleading as it was pronounced. Therefore, in my opinion, both of them admit of the same beauties, and are liable to the same blemishes ; for I am sensible that a speaker

is sometimes obliged to commit faults that he may please the vulgar taste.

In what then does the pronounced discourse differ from the written? My answer is; that give me a bench of able knowing judges, I would curtail a great deal from the orations not only of Cicero, but of Demosthenes; whose manner of pleading is far more compact than that of Cicero. Before such a bench there is no occasion to move the passions, or to court the ear: nay, Aristotle thinks, that even the introduction may be dispensed with in that case. Such arts are all lost upon discerning judges. It is sufficient to them if the case is truly, and significantly stated, and the proofs fully established.

But when the people, or part of the people, are to be our judges; when often men of no education, nay, and often mere clowns, are to pronounce a sentence, then we are to apply every art which we think can be of service to our purpose; and when we come to reduce it to writing, we thereby instruct others how they ought to speak under the like circumstances. Should I wish that Demosthenes or Cicero had not spoken as they wrote? Or that we had not known those excellent orators by their writings? Let me then suppose that they spoke either better or worse than they wrote. If worse, then they should have spoken as they wrote; if better, then they should have wrote as they spoke.

Well then; it may be said, is an orator always to speak as he writes? Yes; if he is at liberty to do so. If he finds himself pinched by the judge having prescribed him too short a time, he will retrench a good deal of what he would otherwise have said; but if he publishes his speech, it will contain all he intended to say. Supposing he is obliged to accommodate his pleading to the stupidity of the judges; yet he will not, for all that, hand it down

to

to posterity in that shape ; for they will impute its blemishes not to his wanting time, but abilities. Yet, I cannot help saying that a great deal of our success depends upon our hitting the judge's fancy and apprehension ; for which reason, Cicero says, that an orator should always have a full view of the judge ; that he may thereby consult his look, in order to press home what he sees pleases, and avoid what he thinks disgusts him ; and with regard to style, we ought to employ that which the judge can most easily apprehend.

There is the more reason in this, because an orator is sometimes obliged to suit himself to the conception of a witness. An orator once asked a witness whether he knew Amphion ; the witness said he did not ; and then the orator, being a man of sense, sunk the aspiration, and making the second syllable of the word short, the witness knew him very well. In such cases as this, we may sometimes be obliged to speak differently from what we write ; because we are not at liberty to speak as we write.

There is another division of style, which, too, falls under three kinds, and I think the distinctions are very proper. The first is the smooth kind, the next the strong and manly, and the third partaking of both is the florid. Of these three kinds, the first, if fitted to inform, the second to move, the last to please, or, if you will, it is fitted to soothe and conciliate. Now perspicuity is required in informing, gentleness in conciliating, and power in moving. In stating, therefore, or proving a case, the smooth manner conducted by perspicuity is most proper, and, independently of all other properties, is sufficient for those purposes. The florid is more marked with metaphors and adorned with figures ; its sallies are gay, its turns agreeable, and its periods pleasing ;
and

the whole moves with ease, like a lucid stream
 arched from each border by shady groves.
 the strong and manly manner bears all before it;
 a torrent, which resistless in its sway, carries
 whole rocks, disdains a bridge, and breaks
 its banks, it forces along the affection of the
 e, all his resistance is weak, and he must follow
 stream.

ere an orator will raise the dead; he will bring
 ppius Cæsus from the grave; he will organise the
 mate, and, like Cicero in his invective against
 ine, he will introduce his country holding a dis-
 se, or urging a complaint. He will give his
 rage every power of exaggeration and amplifi-
 n; he will bring in the voracious Charibdis, and
 indignation will afterwards rise to the all-devouring
 r; figures of eloquence which are well known
 e studious. He will even introduce, and hold
 nference with the gods. He will call out,
 ye Alban mounts and groves, I implore
 attest, and you, ye dismantled altars of the Al-
 companions and partners with Romans in their
 !” He will inspire passion and pity; he will
 “ He saw you, he wept, he implored you;” and
 he will guide us through every emotion of soul,
 e the judge, all the while, insensibly yields to
 ever the orator says, without wanting to be far-
 informed.

therefore, we are obliged to attach ourselves to
 of those manners, can there be a doubt that this
 s preferable to the others; that it is by far the
 powerful, and the best fitted for causes of great
 rance? Homer assigns to Menelaus the first
 of eloquence I have mentioned, which requires
 iseness, serenity of mind, propriety, by which I
 n, correctness, of style, and an expression which
 as the very thing it ought. The same great poet
 makes

makes Nestor to possess an eloquence that flows sweeter than honey itself, which gives us the highest idea of delight. But when he comes to characterise Ulysses, he unites in him both the former manners, but adds to them power and strength. He, therefore, compares his eloquence to a stream swelled by winter snows, and his command of words to the rapidity of its torrent. With such a speaker, what mere mortal will dare to contend? Mankind surely will admire him as a god.

Such was the quickness and power which Eupolis admired in Pericles, and which Aristophanes used to compare to the thunderbolt: such, in short, are the properties of true eloquence.

But eloquence is not to be confined even to those three manners. For, as there is a large interval between the smooth, and the strong, manner, so each of these admits of certain degrees, and a mixture of the two composes a certain middling style. Now smoothness admits of being more or less smooth, and we may say the same of strength; neither manner is to be always on the full stretch. The florid, gay style, too, may either soar to the strong, or skim along the surface of the smooth. Thereby, a vast number of manners are formed, which in one respect or other have their several differences. Thus, though we commonly say, the wind comes from one of the four cardinal points; yet, when we either travel or sail, we are sensible there are a great many intermediate points from which it blows. The same observation holds with regard to music; the harp for instance, has four capital notes, but each of these admits of so many subdivisions and degrees, that they produce an infinite variety of sounds and tunes.

Eloquence, therefore, can assume a great many appearances, but it would be ridiculous to say which is most becoming to an orator, or to which species he should

should attach himself; because every species, provided it is well formed, has its peculiar use, and the business of an orator comprehends the whole system of eloquence. For he will, as occasion calls, suit every species, not only to the whole, but to the several parts of his cause. As he will not speak in the same manner for a man who is capitally impeached, as he would in a matter of inheritance, suretyship, or debt; so he will observe a difference of sentiments, when he addresses himself to the senate, to the people, or to courts of justice; and he will shift his character of speaking, according to persons, places, and times. In like manner, he will know when to rouse resentment, and when to procure favour; neither will he address himself in the same manner to the anger, as to the compassion of a judge. He will inform him in one style, and he will move him in another. He will not be the same speaker in the introduction, in the narrative, the argumentative and the pathetic parts. He will vary his style through every manner, the grave, the austere, the keen, the strong, the spirited, the copious, the severe, the agreeable, the easy, the smooth, the delicate, the gentle, the sweet, the concise, and the polite. Thus he will alter his style, yet always be eloquent, always himself. By this means he will speak with effect, power, and success, in what he aims at, which is the great purpose of eloquence, and prove a glory not only to learning, but his countrymen.

I say, such an orator will be the darling of his countrymen; for it is an egregious mistake to imagine, that to speak popularly and plausibly, we must make use of an incorrect, vicious, eloquence; an eloquence licentious in expression to extravagancy; bespangled with points even to puerility; swelled with fustian; run mad with bombast, or pranked out

out with flowers so delicately stuck on, that the slightest breath blows them to the ground; an eloquence that mistakes rashness for sublimity, and runs furious under pretence of being free. It is not at all surprising, nor do I deny, that this kind of eloquence has many admirers. For there is somewhat in all kinds of speaking that is pleasing and amusing, and we love to gratify our curiosity by hearing every man who speaks in public; witness the crowds which haranguing mountebanks draw about their stages. There is, therefore, the less wonder that every public speaker should be surrounded with crowds of gaping admirers.

But when even those crowds hear any thing said that is uncommonly curious, nay, in any sense, extraordinary, so that they know they themselves could not have said the same thing, it is no wonder if they admire it as they do. For it is even no easy matter to rise above the vulgar manner of speaking. But all this fades and dies away, when true eloquence opens her mouth, "as wool that is dyed with wood, to use a phrase of Ovid, seems beautiful by itself, but when compared to true purple, looks dim and faded." Now if we will bestow some critical observation upon the vicious, corrupted eloquence, I have described above, all its beauty vanishes, its colour proves all a cheat, and it grows pale, languid, and loathsome; but where the sun of eloquence does not shine, it may sparkle indeed as glow-worms in the dark. In short, it is true, that vicious eloquence has many friends, but it is equally true, that true eloquence has no foes.

But all those excellencies I have been recommending ought to be executed by an orator, not only to perfection, but with freedom. For the highest abilities in speaking never can give us pure pleasure, if the speaker is haunted with a visible anxiety

anxiety through the whole of his speech; if he frets, and broils to such a degree that it is with difficulty he articulates his words, and sweats in arranging and weighing his expressions. But when a speaker is bright, sublime, and rich in himself, then Eloquence pours all her stores around him, and there is nothing that he may not command: for we no longer strain against the steep, when we have reached the summit. The great toil of a speaker is, when he climbs from the bottom; for the higher he advances, the soil becomes more fertile and pleasant. If his perseverance shall gradually carry him to the top, there he will find fruits and flowers, spontaneously presented by smiling nature; but, unless they are daily plucked, they wither and perish.

I have often observed, that, without moderation, nothing can be either glorious or salutary; therefore, copiousness itself ought to observe a mean. Brilliancy should unite with strength, and judgment temper invention. The result will be somewhat that is great, without excess; sublime, without extravagance; strong, without rage; serious, without gloom; grave, without dullness; cheerful, without wantonness; gay, without glaring; and full, without overflowing. In short, a style thus formed, will unite in it all good qualities, by never deviating into an extreme (for all extremes are bad), but keeping the safe, middle path.

CHAPTER XI

HOW AN ORATOR IS TO LIVE AFTER RETIRED FROM THE BAR—
WITH AN ENCOMIUM UPON ELOQUENCE.

He is to leave Business before Business leaves him—then to instruct young Orators—The Author's Apology for himself—Every Man has Abilities to be virtuous, and Time to be learned—Examples—Exhortation.

AFTER an orator, by such powers of speaking, has distinguished himself in courts, in councils, in public assemblies of the senate, or the people; in short, after he has discharged every duty of a worthy patriot, he will wish to finish his days in a manner becoming the virtue of his person, and the sanctity of his function. Not that he ought to be tired of doing good, or that, endowed as he is with inclination and abilities, he can spend too long a time in this glorious profession; but it well becomes him to provide against his exercising it with less success than formerly. An orator's accomplishments do not lie in learning only (for learning increases with years), but in his voice, his lungs, and his strength. If these be broken, or diminished by age or sickness, he is to take care, that, in his exertion, he fall not short of the finished orator; by stopping through fatigue, by not being understood through weakness, and by wishing himself to be the man he was. I remember to have seen Domitius Afer, who was by far the best orator of all I ever knew, practising at the bar when he was a very old man; but he sunk every day from the reputation he had acquired, and, though all allowed that he was once at the head of his profession, yet some were shameless enough to laugh, while others blushed at his pleading; and this gave occasion for

some to observe, that he chose rather to sink under business, than retire from it. Not that he did not always speak well; but he did not speak so well as formerly. Therefore, an orator, rather than be exposed to those shelves of old age, ought to tack about, and make for the harbour, while his vessel is yet tight and strong.

An orator, even when thus retired, may be as usefully employed, nay, in his own profession, as ever. He will compose memorials, or histories, that may be of service to posterity; or, as Cicero, in his treatises, makes Lucius Crassus do, he will give opinions to those who apply to him; he will write upon the art of eloquence, or he will lay down the most beautiful rules of life, with a dignity becoming the subject. His house, when he is thus retired, will become the resort of our noblest youths, and they will consult him as an oracle, upon the true Art of Speaking; while he, like a parent, will form them to eloquence, or like an ancient pilot, will instruct them in the coasts and harbours, how to spy a storm coming, and how to steer the vessel in fair, as well as in blowing weather. And all this, not only from a principle of good-nature and love to mankind, but from his affection to the art itself. For it is natural for every man, who has been at the top of a profession, to wish that it may never go to decay.

Meanwhile, in any case, can any thing be more honourable, than for a man to instruct others in what he himself knows perfectly? Thus, Cicero tells us, that Cælius was brought to him by his father for instruction. Thus, like a schoolmaster, he trained up Pansa, Hirtius, and Dolabella, by being sometimes the speaker, and sometimes the hearer. Nay, to say the truth, I am not sure, whether we ought not to think that to be the happiest period of life, when a
man,

man, retired, and, as it were, hallowed from the world, free from envy, and far from strife, raises his reputation above the reach of malice ; and, while alive, sees the veneration in which his memory will be held by posterity, and which is seldom paid to others till they are dead. For my own part, I am conscious, that, according to the best of my abilities, I have candidly and unreservedly opened, to all who desired instruction, all the stores of knowledge I was master of formerly, and all I have acquired while I was composing this work ; and the best of men can do no more than teach what they know.

I am afraid, however, that I may be thought unreasonable in requiring an orator to be at once virtuous and eloquent ; or in adding to those arts, which are to be learned in youth, many moral precepts, and the knowledge of the civil law, besides all the requisites of eloquence. These, indeed, are matters that I have judged necessary, in the course of this work, but the difficulty of acquiring them may deter some from the study, and make them despair before they attempt it.

But let such gentlemen, in the first place, examine the vast extent of the human understanding, and what vast power there is in a willing mind. The arts of navigation, astronomy, and geometry, though not near so valuable, are more difficult than that of eloquence. Let them, then, look up to the prize that is set before them, which is great enough to reward the severest toil. Nay, could they but have an idea of its greatness, they would apply it with such pleasure, that, far from thinking their attempt impracticable, they would scarcely think it painful.

For the chief and principal business of an orator, which consists in being a man of virtue, depends chiefly upon himself ; because, if he resolves in good earnest,

earnest, to be virtuous, he will easily attain to those arts which lead to virtue. For all that is requisite to this purpose is neither so difficult or perplexed, as not to be acquired in a very few years. It is our own repugnancy that creates difficulties. Believe me, the way to truth and happiness is short and practicable to the willing mind. Nature has formed it with honest inclinations, and when we are so inclined, it is so very easy to be virtuous, that, if we seriously reflect, nothing is more astonishing than to see so many wicked. For to live according to nature, rather than contradict her, is as agreeable as the water to fishes, the earth to beasts, or the air to birds.

As to other qualifications, we have years enough to acquire them, even though we make old-age no part of life, but confine our time to youth. For order, consideration, and method, shorten all labour. But the fundamental fault lies in the masters, who love to keep a young gentleman under them, sometimes from greediness of their paltry fees, sometimes from the vanity of having their profession thought very difficult, sometimes through ignorance, and sometimes through indolence. The second fault lies in the young gentlemen themselves; for we are often more fond of dwelling upon what we do know, than of learning what we ought to know.

For (to confine what I say to this study chiefly) what purpose does it serve to spend, as many do, a great number of years (nay, some spend the best part of their life) in learning to declaim at school; and losing so much time upon chimæras, when so little is required to instruct a young gentleman in real business, and in training him up to make a figure
at

at the bar ; when I say this, I do not mean, entirely to discountenance the practice of declamation ; I only say, we ought not to spend too much time upon one species of eloquence. For the hours that we loose at school may be better employed in acquiring the habits of life, in learning mankind, and, even, in making essays at the bar.

Neither the theory nor the practice of eloquence call for a great many years of study ; the arts that are connected with eloquence are comprised in a very few books, and therefore do not require a great deal of time to be taught or studied, and practice will soon improve our abilities, and our knowledge of business will encrease every day. Meanwhile, it may be necessary to peruse many (though not a great many) authors, in order to furnish ourselves with precedents from history, or practice from orators. Neither do I deny, that we ought to read the opinions of philosophers and lawyers, with several other treatises ; yet all this is possible to be done. But it is owing to ourselves that our time is so short, for what a small pittance of it do we allot to study ? We employ some hours in paying empty compliments ; others in seeing plays ; others at public diversions, and others in eating and drinking ; besides those that are thrown away in gaming, and the extravagant care of our persons.

We are distracted with the love of seeing foreign places ; we are enamoured with rural diversions ; immeasurably fond of dice ; we indulge a thousand passions ; we love the bottle, and we employ our whole attention in gratifying shameful pleasures of every kind. All this renders the hours that remain unfit for study. But were we to devote all our hours to learning, our life would be abundantly long, and we should have time more than
sufficient

sufficient for compassing all I require; even though we took the day-time only into our reckoning, and gave the night to sleep; but even then we might improve, for some nights are too long to be entirely consumed in sleeping. At present we reckon our life, but not our studies, by years.

Supposing that certain mathematicians, grammarians, and professors of other arts have spent their whole lives, which sometimes were very long, upon a favourite study; yet it does not follow, that several lives are required to learn several arts. For those professors did not study till they were old men, they only contented themselves with studying one art, and the greatest part of their life was spent, not in learning it, but in practising it.

Why need I to mention Homer, who, in his works, discovers a perfect, or at least a manifest, knowledge of every art; or Hippias of Elis, who not only professed all the liberal sciences, but with his own hands made the robe, the ring, and the shoes he wore, because he was resolved not to be beholden for any thing to another person? Gorgias of Leontium, too, after he was a very old man, used to require his hearers to prescribe to him any subject of disputation they pleased. Was Plato deficient in any part of literature? Had Aristotle more lives than one, though he was not only master of all that belongs to philosophy and eloquence, but searched nature through all the animal and vegetable creation? Yet we need only to study. But those great men invented as well as studied. Antiquity has furnished us with so many masters and so many instructions, that happy are we to live in this age, which enjoys the knowledge that cost all former ages such labour to acquire.

Cato

Cato the censor was at once an orator, an historian, a lawyer, and a most excellent farmer, and though engaged in great undertakings in war, and in sharp disputes during peace, yet rude as the age was in which he lived, when an old man, he made himself master of the Greek tongue, and thereby became an example to his countrymen, that if they set earnestly about it, they may learn even after they are old. What a storehouse of almost all kinds of knowledge was Varro? What accomplishment required in eloquence was Cicero void of? But why need I to multiply instances? Cornelius Celsus, a man of but a middling genius, wrote not only upon all the arts I have been recommending, but upon war, agriculture, and medicine; and in my opinion even his laudable ambition, had he no other merit, should induce us to believe that he knew them all.

But say some, it is difficult to attain to perfection (and none have done it hitherto) in so great a work. But in order to encourage us we are to reflect, that a thing not having been done, is no argument that it may not be done. There was a time when whatever is great and admirable in nature did not exist; and Demosthenes and Cicero added as much perfection to eloquence, as Homer and Virgil did to poetry. In short the time was, when the best was not. But as Cicero observes, it is noble to stand in the second or third rank, when a man despairs to stand in the first. If a man cannot be an Achilles in war, he may have the glory of being an Ajax or a Diomedes. If in poetry, he cannot be a Homer, yet he may be a Tyrteus.

Had mankind been always under the mistake of each thinking it impossible for himself to excel the best that went before him, we never should have known what excellence was in the arts. Virgil

never would have excelled Lucretius and Mæcer in poetry; nor Cicero, Crassus and Hortensius in eloquence; nor can any man who shall have that notion ever excel hereafter.

But it is glorious to come next to an orator, though we cannot surpass him. Pollio and Messala began to plead, when Cicero swayed the sceptre of eloquence; and had they not great dignity in life? Are not their names now glorious, though they are dead? Fatal would the service be to mankind in bringing arts to perfection, should that perfection ever be at a stand, by discouraging future attempts. Let me add, that there is great utility in even a moderate share of eloquence. And if utility alone was to be our standard to judge by, eloquence is not now far short of perfection. It would be no hard matter for me to prove by examples both ancient and modern, that mankind have never arrived at greater honours, riches, friendships, and present or future glory, ~~than by eloquence~~. But this consideration is unworthy the dignity of learning, by diverting us from ~~contemplating~~ the most amiable object of nature, the enjoyment of which is so full of pleasure, for any mercenary consideration. This would be like the philosophers, who say, that they do not court virtue for herself, but for the pleasure which she gives. / Let us therefore endeavour with all our abilities, to acquire the majesty of eloquence, the greatest blessing the immortal gods have given to mankind; for without it all nature would be mute, and all this creation would be now, and hereafter, a mere unenlightened mass of matter. (Let us always aspire to excellence, and, in so doing, we either shall reach the summit, or look down upon thousands that are below us.

Thus,